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BIENNIAL REPORT
STATE RAILROAD COMMISSION
COLORADO
1909-1910

SEP 23 1915

 The seal features a shield with a ship, surrounded by a laurel wreath. The words "CONNECTICUT" and "1776" are inscribed around the top of the seal. Below the seal, the text "Constitution 1875" and "Charter 1662" is visible.		
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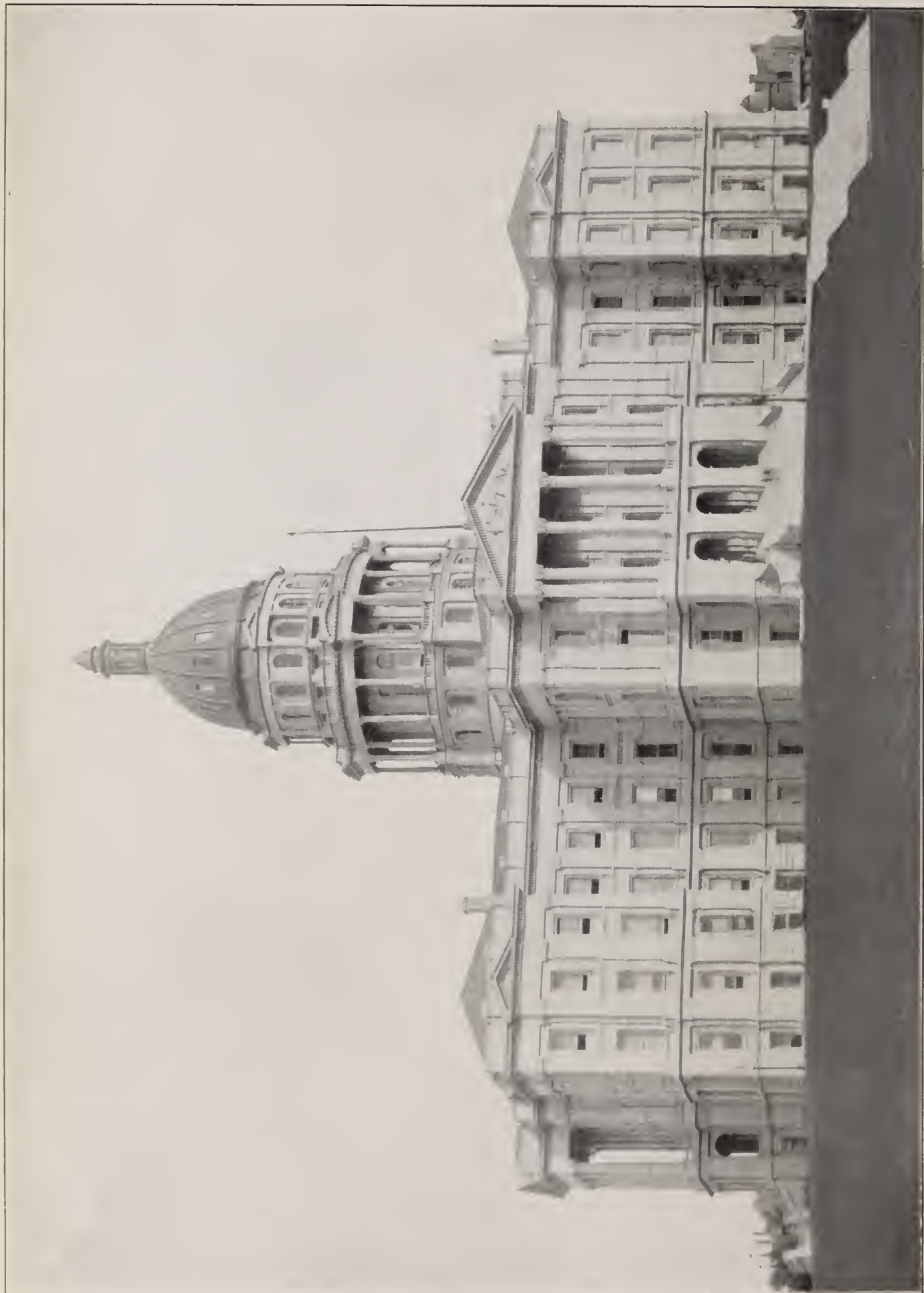
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STATE CAPITOL, DENVER, COLORADO.

Compliments of

The State Railroad Commission
of Colorado



BIENNIAL REPORT

Second Report

OF THE

State Railroad Commission

OF COLORADO

FROM

January 1, 1909, to January 1, 1911

SEP 23 1915



DENVER, COLORADO
THE SMITH-BROOKS PRINTING CO., STATE PRINTERS
1911

604



Denver, Colorado, January 1, 1911.

To His Excellency HON. JOHN F. SHAFROTH,
Governor of Colorado,
State Capitol, Denver, Colorado.

Sir: In accordance with section 14, chapter 121, Revised Statutes of 1908, we have the honor to submit our biennial report containing an account of all matters pertaining to this office from January 1, 1909, to January 1, 1911.

The statute providing for the Railroad Commission of Colorado provides that the commission "may also cause to be printed its annual reports," but there is no direct requirement to do so.

As the work of regulating railroads through the instrumentality of a Commission is entirely new in this State, and as there has been a widely diversified opinion as to the effectiveness of the Commission, what it has done and what it expects to be able to accomplish in the future, the members of the Commission have deemed it wise to make a report covering its work from January first, 1909, to January first, 1911, and to some extent explain what the conditions were under which the Commission has been operating and what it has been able to do in spite of the disadvantages under which it was compelled to work.

In March, 1907, the Sixteenth General Assembly of Colorado passed an act entitled: "An Act to Regulate Common Carriers in this State," providing for three Commissioners.

The act became effective by law on June 20, 1907, and the Commissioners appointed by the Governor, as provided in the act, Frederick Chamberlin, Halsted L. Ritter and Bulkeley Wells, entered upon the discharge of their duties.

On June 29, 1907, a number of the railroad companies instituted quo warranto proceedings against the Commission in the District Court of the Second Judicial District, and on July 29, 1907, the court held that the act creating the Commission was unconstitutional, and a judgment of ouster was entered against the members of the Commission. The case was appealed to the Supreme Court of Colorado, and on June 1, 1908, that court ordered the District Court to dismiss the case without prejudice.

On August 3, 1908, the railroads of this State brought suit in the United States Circuit Court, again attacking the constitutionality of the act creating the Commission.

In the fall of 1908 Aaron P. Anderson, Daniel H. Staley and Worth L. Seely were elected Commissioners as provided in

the act, and the above was the condition in which they found the Commission on entering upon their duties January 12, 1909.

Notwithstanding these conditions the said Commissioners took the oath of office and entered upon the duties of their office. One of the first obstacles which presented itself was the fact that in view of the action pending in the United States Court the State Treasurer declined to pay the expenses of the Commission in carrying on its work; he also declined to pay the salaries of the Commission and its employes until the Commission and its employes gave bond to the State Treasurer to protect him against legal action for payment of all expenses and salaries disbursed. The Commissioners and employes therefore issued its bonds to the Treasurer, amounting in all to \$31,830.00, and were thereby enabled, at the risk of payment of the bond for all moneys expended, to carry on this department of the State Government.

On giving the bond as aforesaid, the Commission was thereby enabled to transact the various duties of its office prescribed in the act, which duties, so performed, are reported herein.

On January 29, 1910, the suit then pending in the United States Circuit Court was dismissed by plaintiffs on their motion. However, the State Treasurer still continued to refuse payment of the salaries and expenses incurred by the Commission.

On April 4, 1910, cases 22 and 23 as reported herein, and commonly known as the Northern Coal Company cases, were decided by the Commission, in which the Commission ordered a very material reduction of the rates in question, which were the rates then in existence on the different defendant roads operating between what are known as the Northern Coal Fields and the cities of Denver and Littleton, Colorado. From the orders therein (which will be found in cases No. 22 and 23 of the formal complaints in this report) the defendants, the Colorado & Southern, the Union Pacific, and the Chicago, Burlington & Quincy Railroad Companies appealed, while the Atchison, Topeka & Santa Fe Railway Company and the Denver & Rio Grande Railroad Company obeyed the order.

The appeal was taken April 9, 1910, to the District Court and before the same District Judge who had before decided the law unconstitutional, and it was again declared to be unconstitutional.

On June 2, 1910, the Commission sued out a writ of error and the case is now pending in the Supreme Court.

At the extra session of the Eighteenth General Assembly, 1910, the law of 1907 was amended and re-enacted, and the features in the old law objected to as unconstitutional were eliminated therefrom. The said law became effective February 15, 1911.

It will be seen that the Commission has from the beginning been unable to do as effective work as it would have been able

to had it not been surrounded by the difficulties herein recited. From its beginning it has been confronted with the fact that many meritorious cases would have been brought had complainants not feared that through the pending litigation, in the end the law might be declared unconstitutional. In fact, since May 21, 1910, when the law under which the Commission was then acting was again declared unconstitutional, many cases then pending before the Commission were withdrawn, awaiting the decision of the Supreme Court, and only one case has been filed since that date.

The Commission is of the opinion that the new law, which goes into effect February 15, 1911, is a much better law than the old one. It at least settles the constitutional questions involved.

In the opinion of the Commission, however, it does not go far enough, and the Legislature ought to amend the present law, giving the Commission the power of adjusting freight rates.

AARON P. ANDERSON,

DANIEL H. STALEY,

WORTH L. SEELY,

Commissioners.

JOHN W. FLINTHAM,

Clerk.

PREFACE.

Statistics of railroads have been omitted for the reason that the publication of this data entails considerable expense, and for the further reason that the Interstate Commerce Commission's Annual Report of "Statistics of Railways in the United States" contains complete information, facts and figures on all railroads, which it is thought unnecessary to here duplicate.

All petitions, investigations, complaints or other proceedings before the Board, not fully disposed of on the 31st day of December, 1910, have not been mentioned in this report, but are carried over and will be included in the Report for 1911.

This book will be mailed to any one free upon application to the Commission.

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PART I.

LEGAL

AN ACT

TO AMEND AND AS AMENDED TO RE-ENACT AN ACT, ENTITLED "AN ACT TO REGULATE COMMON CARRIERS IN THIS STATE, TO CREATE A STATE RAILROAD COMMISSION, TO PRESCRIBE AND DEFINE ITS DUTIES, TO FIX THE SALARIES OF THE COMMISSIONERS AND OF THE EMPLOYEES OF THE COMMISSION, TO PREVENT THE IMPOSITION OF UNREASONABLE RATES AND CHARGES, TO PREVENT UNJUST DISCRIMINATIONS, TO INSURE AN ADEQUATE RAILWAY SERVICE, TO PREVENT THE GIVING OR RECEIVING OF REBATES, TO PRESCRIBE THE MODE OF PROCEDURE AND THE RULES OF EVIDENCE IN RELATION THERETO, TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THIS ACT, TO EXERCISE A GENERAL SUPERVISION OVER THE CONDUCT AND OPERATIONS OF COMMON CARRIERS, AND TO REPEAL ALL ACTS OR PARTS OF ACTS INCONSISTENT HEREWITH."

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. That an Act entitled "An act to regulate common carriers in this State, to create a State Railroad Commission, to prescribe and define its duties, to fix the salaries of the Commissioners and of the employees of the Commission, to prevent the imposition of unreasonable rates and charges, to prevent unjust discriminations, to secure an adequate railway service, to prevent the giving or receiving of rebates, to prescribe the mode of procedure, and the rules of evidence in relation thereto, to prescribe penalties for violations of this Act, to exercise a general supervision over the conduct and operation of common carriers, and to repeal all Acts and parts of Acts inconsistent herewith," approved March 22, 1907, be and the same is hereby amended and as amended re-enacted to read as follows:

Sec. 1. That the provisions of this Act shall apply to any corporation or to any person or persons who shall be held to be common carriers within the meaning and purpose of this Act, and to any common carrier or carriers engaged in the transportation of passengers or property by railroad from one point or place within the State to any other point or place within the State. This Act shall not apply to the ownership or operation of street railways conducted solely as common carriers in the transportation of passengers within the limits of cities and towns.

Title of act amended.

Application of act.

Terms defined.

Sec. 2. The term "common carriers" as used in this Act shall also include express companies, private freight car lines and pipe lines.

The term "railroad" as used in this Act shall include all bridges used or operated in connection with any railroad, and also all the roads in use by any corporation operating a railroad, whether owned or operated under a contract, agreement or lease; and shall also include all switches, spurs, tracks and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards and grounds used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards and grounds, used or necessary in the transportation or delivery of any of said property; and the term "transportation" shall include all cars, and all other vehicles and instrumentalities and facilities of a shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof, and all service in connection with the receipt, delivery, elevation and transfer in transit, ventilation, refrigeration or icing, demurrage, storing or handling of property transported; and it shall be the duty of every common carrier, subject to the provisions of this Act, to provide and furnish such transportation upon reasonable requests therefor, and to establish through routes and just and reasonable rates applicable thereto, and to provide a sufficient number of cars, and a reasonable time schedule for trains.

Charges to be reasonable.

Sec. 3. All charges made for any service rendered or to be rendered in the transportation of passengers or property, as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service, or any part thereof, is prohibited and declared to be unlawful.

Unjust discrimination prohibited.

Sec. 4. That if any common carrier, subject to the provisions of this Act, shall directly or indirectly by any special rate, rebate, drawback, or any device, charge, demand, collect or receive, from any person, corporation, or persons, a greater or less compensation for any service rendered or to be rendered in the transportation of property, subject to the provisions of this Act, than it charges, demands, collects or receives from any other person, corporation, or persons for doing for him or them a like and contemporaneous service in the transportation of a like kind of traffic, under similar circumstances and conditions, such common carrier shall be deemed guilty of an unjust discrimination, which is hereby pro-

hibited and declared to be unlawful. Nothing herein shall prevent the carriage or transporting free, or at reduced rates, of the household goods or other personal property of officers, employes, agents, in the employ of such common carriers, or the interchange of franks for the free transportation of personal property of officers, agents, attorneys and employes of common carriers and their families, or for the United States, the State or any political subdivision thereof, or any municipality thereof, or for charitable purposes, or to and from fairs and expositions for exhibition thereat. The term "employes" as used herein shall include furloughed, pensioned and superannuated employes, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employes traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed, and the widows during widowhood and minor children during minority, of persons who died while in the service of any such common carrier.

Exceptions from application of this Act.

Employes defined.

Families defined.

Sec. 5. That it shall be unlawful for any common carrier subject to the provisions of this Act, to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality, or concerning any particular description of freight traffic in any respect whatsoever, or to subject any particular person, company, firm, corporation or locality, or any particular freight traffic, to any undue or unreasonable prejudice or disadvantage in any such respect whatsoever. Provided, that perishable products and live stock may be made special shipments and handled accordingly.

Discrimination of freight unlawful.

Special shipments provided for.

Sec. 6. That every common carrier, subject to the provisions of this Act, shall file with the Commission created by this Act, print and keep open to public inspection, schedules showing all the rates, fares and charges for transportation between points on its own route in this State, and between points on its own route and points on the route of any other common carrier by railroad, pipe line, or other vehicle in this State when a through route and joint rate have been established. If no joint rate over the through route has been established the several common carriers in such through route shall file, print and keep open to public inspection, as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed, as aforesaid, by any such common carrier shall

Schedules of rates filed with Commission. Posted in depots.

plainly state the places between which passengers or property will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, demurrage charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed and any rules or regulations which in anywise change, affect or determine part or the aggregate of any such aforesaid rates, fares and charges, or the value of the services rendered to the passenger, shipper or consignee. Such schedule shall be plainly printed in large type and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station or office of such carrier where freight or passengers are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

Change of
rates, notice.

Sec. 7. No change shall be made in the rates, fares and charges, or joint rates, fares and charges, which have been filed and published by any common carrier in compliance with the requirements of this act except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares or charges will go into effect; Provided, That the Commission may in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this Act in respect to publishing, posting and filing of tariffs either in particular instances or by a general order applicable to special or peculiar circumstances or conditions. The Commission may determine and prescribe the form in which the schedule required by this Act to be kept open to the public inspection, shall be prepared and arranged and may change the same from time to time as may be deemed expedient, but the form of such schedule shall conform as nearly as practicable to the forms required by the Interstate Commerce Commission.

Damages for
violation of
this Act, loss
or injury of
property.

Sec. 8. That in case any common carrier subject to the provisions of this Act shall do, cause to be done, or permit to be done any act, matter or thing in this Act prohibited or declared to be unlawful, or shall omit to do any act, matter or thing in this Act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this Act. Every common carrier receiving property for transportation between points within this State shall issue a receipt, or a bill of lading,

therefor, and shall be liable to the lawful holder thereof for all loss, damage, or injury to such property caused by it or by any common carrier to which such property may be delivered, or over whose lines such property may pass.

No contract, receipt, rule or regulation shall exempt such common carrier from liability in this section imposed, but the carrier shall not be responsible for any greater sum than the value as fixed in the contract, receipt or bill of lading, where such valuation is stated.

But nothing in this section shall deprive any holder of such receipt, or bill of lading, of any remedy or right of action which he has under existing law.

The common carrier issuing such receipt, or bill of lading shall be entitled to recover from the common carrier on whose line the loss, damage or injury shall have been sustained, the amount of such loss, damage, or injury, as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof.

Sec. 9. That any common carrier subject to the provisions of this Act, or, whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent or person acting for or employed by such corporation, or any shipper, consignee or applicant for cars, who alone or with any other corporation, company, person or party, shall wilfully do or cause to be done, shall wilfully suffer or permit to be done, any act, matter or thing in this Act prohibited, or declared to be unlawful, or who shall aid or abet therein, or shall wilfully omit or fail to do any act, matter or thing in this Act required to be done, or shall aid or abet any such omission or failure or shall be guilty of any infraction of this Act, or shall aid or abet therein, or shall fail or refuse or neglect to obey any order of the Commission made under the provisions of this Act, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof in any District Court of this State within the jurisdiction of which such offense was committed, be subject to a fine not less than One Hundred Dollars nor more than One Thousand Dollars for each offense.

Liability of common carrier, director, agent, etc., for violation of this Act.

Sec. 10. That if any person or any officer or agent of any corporation or company, shall, by payment of money or other thing of value, solicitation or otherwise, induce any common carrier subject to the provisions of this Act, or any of its officers or agents, to discriminate unjustly in its or their favor as against any other consignor or consignee, in the transportation of property, or shall aid or abet any common carrier in any such unjust

Penalty for inducing common carrier to discriminate unjustly.

discrimination, such person or such officer or agent of such corporation or company shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, in any court of this State of competent jurisdiction, be subject to a fine of not exceeding One Thousand Dollars; and such person, corporation or company shall also, together with such common carrier, be liable jointly, or severally, to consignor or consignee discriminated against, for all damages caused by or resulting therefrom.

State Railroad
Commission
created.

Appointment
by Governor.

Commissioners
elected to serve
out terms.

One Commis-
sioner ap-
pointed.

Term.

Vacancies.

Sec. 11. That a Commission is hereby created and established to be known as the "State Railroad Commission of Colorado," which shall be composed of three Commissioners, who shall hereafter be appointed by the Governor by and with the consent of the Senate. Provided that the three Commissioners who were elected in November, 1908, shall be the Commissioners hereunder for the terms for which they were elected, that is to say, Worth L. Seely shall be a Commissioner to serve until the second Tuesday in January, 1911; Daniel H. Staley shall be a Commissioner to serve until the second Tuesday in January, 1913, and Aaron P. Anderson shall be a Commissioner to serve until the second Tuesday in January, 1915; one Commissioner shall be appointed by the Governor to serve for six years, beginning on the second Tuesday in January, 1911, and every two years thereafter one Commissioner shall be appointed for the term of six (6) years beginning on the second Tuesday in January after each general State election. The Governor shall fill vacancies on the Commission caused by resignation or death of any Commissioner appointed or elected as hereinbefore provided, and any person who shall be appointed to fill any such vacancy shall be appointed to hold the office of Commissioner only for the period of time ending when the said original appointment or election would have ended.

Officers.

That within ten days after the appointment of any Commissioner, the Commission shall meet and organize by electing one of its members President and one as Secretary for the next two years.

Qualifications.

No person shall be eligible to the office of Commissioner who shall be pecuniarily interested, either directly or indirectly, in any common carrier subject to the provisions of this Act, nor shall he serve in any position, station, or office in any political party.

Compensation.

Said Commissioners shall receive as compensation for their services the sum of Three Thousand Dollars each per annum for the respective terms for which they were elected; all Commissioners appointed after the passage of this Act shall receive as compensation the sum of Four

Thousand Dollars each per annum, and shall not engage in any other business during the term for which they are appointed. That all common carriers shall furnish free transportation to members of the Commission or its employes while in the discharge of their duties.

Sec. 12. That the Commission hereby created shall ^{Powers.} have authority to inquire into the management of the business of all common carriers subject to the provisions of this Act, and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from such common carrier full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it is created; and the Commission is hereby authorized and required to execute and enforce the provisions of this Act, and upon the request of the Commission it shall be the duty of the Attorney General ^{Duty of Attorney General and District Attorneys to} or the District Attorney in the district wherein the cause of action arose, under the direction of the Attorney General, to institute all necessary proceedings for the enforcement of the provisions of this Act and for the punishment of all violations thereof. The members of the Commission shall each have power to administer ^{Commission may call and examine witnesses.} oaths, and for the purpose of this Act the Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, tariffs, contracts, agreements and documents relating to any matter under investigation. And any of the District Courts of this State within the jurisdiction of which said inquiry is carried on may, in case of refusal to obey the subpoena issued to any ^{Penalty for refusal to answer subpoena.} common carrier or other person subject to the provisions of this Act, issue an order requiring such common carrier or other person, to appear before said Commission (and produce books and papers, if so ordered) and give evidence touching the matters in question; and any failure to obey such order of the court may be punished by such court as contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding.

The Commission shall have the power to make all ^{Commission to make rules for its government.} needful rules for its government and proceedings. They shall be known collectively as "State Railroad Commission of Colorado," and shall have a seal with the words "State Railroad Commission of Colorado" engraved thereon, which shall be judicially noticed, and under such name, may sue and be sued. The testimony of any

witness may be taken, at the instance of a party in any proceeding or investigation pending before the Commission, by deposition, at any time after a cause or proceeding is at issue on complaint and answer; such depositions shall be conducted as are depositions in the courts of this State.

Petition of
party
aggrieved.

Sec. 13. That any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization or any common carrier, or any shipper, consignee or applicant for cars, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this Act, or in contravention of any of the provisions thereof, may apply to said Commission by petition which shall briefly state the facts, whereupon a statement of the charges thus made shall be immediately forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint, or to answer the same in writing within a reasonable time to be specified by the Commission. If such common carrier, within the time specified, shall make reparation for the injury alleged to be done, such common carrier shall be relieved of liability to the complainant, only for the particular violation of the law complained of. If such common carrier shall not satisfy the complaint within the time specified, or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall deem proper, and to arrive at a finding therein, and to notify such common carrier of such finding, together with the amount of damages, if any, as provided in this Act, decided as just by the Commission.

Commission to
investigate.

Finding of
damages.

Report of
Commission.

Sec. 14. That whenever investigations shall be made by said Commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order or requirement in the premises.

Reports to be
put on record.

All reports of investigations made by the Commission shall be entered of record and a copy thereof shall be furnished to the party who may have complained and to the common carrier.

Publication of
reports.

The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all the courts of this State, without any further proof or authentication thereof.

The Commission may also cause to be printed for Annual reports
distribution its annual reports. may be printed.

Sec. 15. That the Commission is authorized and em- Commission to
powered and it shall be its duty whenever after full order common
hearing upon a complaint made as provided herein, or carrier to cease
upon complaint of any common carrier, shipper, con- discrimination,
signee, or applicant for cars, it shall be of opinion that etc.
any of the rates or charges complained of and demanded,
charged or collected by any common carrier or common
carriers subject to the provisions of this Act, for the
transportation of property or passengers as defined by
this Act, or that any regulation or practice whatsoever
of such common carrier or common carriers affecting
such rates or charges are unjust or unreasonable or are
unjustly discriminatory or unduly preferential or preju-
dicial, or otherwise in violation of any of the provisions
of this Act, to determine and prescribe in what respect
such rates, charges, regulations or practices are unjust
or unreasonable or unjustly discriminatory or unduly
preferential or prejudicial, or otherwise in violation of
any of the provisions of this Act, and, to make an order
that the common carrier shall cease and desist from such
violations and shall not thereafter publish, demand or
collect such rate or charge for such transportation or
seek to enforce the regulation or practice, so determined
to be unjust.

All orders of the Commission shall take effect within When order
such reasonable time, not less than thirty days, and shall takes effect.
continue in force for such period of time, not exceeding
two years, as shall be prescribed in the order of the Com-
mission, unless the same shall be suspended, modified or
set aside by the Commission, or be suspended, modified
or set aside by a court of competent jurisdiction.

Sec. 16. That if, after hearing on an original com- Order to pay
plaint, as provided by this Act, the Commission shall de- damages.
termine that any party complainant petitioning therefor
is entitled to an award of damages under the provisions
of this Act for violation thereof, the Commission shall
make an order directing the common carrier to pay to
the complainant the sum to which he is entitled, on or
before a day named.

If the common carrier does not comply with an order May file petition
for the payment of money within the time limit of such in District
order of the Commission, the complainant, or any person Court.
for whose benefit such order was made, may file in any
District Court of this State having jurisdiction of the
common carrier, a petition setting forth briefly the cause
for which he claims damages, and the order of the Com-

mission in the premises; such suit shall proceed in all respects like other civil suits for damages, except that upon the trial of such suit the findings and order of the Commission shall be *prima facie* evidence of the facts therein stated.

Commission may suspend or modify order. The Commission shall be authorized to suspend or modify its order upon such notice, and in such manner as it shall deem proper.

It shall be the duty of every common carrier, its agents and employes, to observe and comply with such orders as long as the same shall remain in effect.

Penalty for disobedience of order. Any common carrier, officer, representative or agent of a carrier, or any receiver, trustee, lessee or agent, or either of them, who knowingly neglects or fails to obey any order made under the provisions of this Act, other than for the payment of money, shall forfeit to the State the sum of One Thousand Dollars for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation, each day shall be deemed a separate offense.

Forfeiture recoverable in civil suit. The forfeiture provided for in this Act shall be payable into the treasury of the State and shall be recoverable in a civil suit in the name of the State, in the District Court where the common carrier has its principal operating office, or in any district through which the road of the common carrier runs, or is located.

Duty of Attorney General or District Attorney to prosecute. It shall be the duty of the Attorney General or the District Attorney in the district wherein the cause of action arose, under the direction of the Attorney General of the State, to prosecute for the recovery of forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of said Commission.

Lawful for Commission to grant a rehearing. Sec. 17. If, after a decision, order or requirement has been made by the Commission in any proceeding, any party thereto shall at any time make application for a rehearing of the same or any matter determined therein, then it shall be lawful for the Commission in its discretion to grant such hearing, if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such general rules as the Commission may establish.

Decisions of Commission subject to appeal to District Court. After a decision, order or requirement has been made by the Commission, as provided in section 15 of this Act, any carrier or carriers affected thereby may, at any time within the time limit of such decision, order or requirement, appeal therefrom to the District Court of the City and County of Denver or of the district in

which the violation of this Act is alleged to have occurred, which court may either sustain the decision, order or requirement of the Commission, or may set aside, suspend or annul all or any part thereof. The taking and pendency of such appeal shall of itself stay or suspend the operation of the decision, order or requirement of the Commission and any and all penalties for failure to comply with the requirements thereof.

All appeals from the said Commission to the Supreme Court of the State shall take precedence over all other litigation then pending in either of said courts except criminal cases, and said courts shall, upon motion of the Attorney General, advance such hearings on the calendars of said courts for as early hearing as possible.

In all such appeals to the District Court and in all appeals to the Supreme Court, the Attorney General shall represent the Commission as counsel; any party interested in the proceedings before the Commission may intervene and be heard as a party to the suit in the District Court and in the Supreme Court, and in case of any such intervention the Attorney General shall not dispose of or discontinue such suit or proceeding over the objection of such intervenor, but said intervenor may defend or continue such suit unaffected by any action or non-action of the Attorney General.

Whenever an appeal shall be prayed from a decision, order or requirement of the Commission, as in this section provided for, the Commission shall within ten days after the date of such prayer for appeal certify to the District Court to which such appeal shall be prayed a full, true and correct transcript of the proceedings before the Commission, together with a copy of the decision, order or requirement from, and such decision, order or requirement shall be accepted by such District Court as *prima facie* evidence of the facts therein set forth.

Sec. 18. The Commission may appoint an Assistant Secretary at an annual salary of Twenty-five Hundred Dollars and a Stenographer at an annual salary of Twelve Hundred Dollars, and may employ such other, and necessary help, within the limits of their appropriation.

The Commission shall be provided with suitable offices for its use in the State Capitol, and shall have authority to procure all necessary office supplies.

Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the District Courts of this State. The Commission shall hold sessions whenever the convenience of the public or of the parties may be promoted, and may hold

special sessions in any part of the State. It may, by any one or more of the Commissioners, prosecute any inquiry necessary to its duties in any part of the State, and in any matter or question of fact pertaining to the business of any common carrier, or to violations of this Act by shipper, consignee, applicant for cars, or agent for either of them, subject to the provisions of this Act.

Access to accounts and records of carriers.

The Commission shall at all times have access to all accounts, records and memoranda kept by common carriers subject to the provisions of this Act, and it may employ special agents or examiners who shall have authority, under order of the Commission, to inspect and examine any and all accounts, records and memoranda kept by such common carriers. This provision shall apply to receivers of common carriers and operating trustees.

Penalty for refusal to submit accounts, records, etc., for inspection.

In case of failure or refusal on the part of any common carrier, receiver or trustee to submit such accounts, records or memoranda as are kept to the inspection of the Commission, or any of its authorized agents or examiners, such common carriers, receivers or trustees shall forfeit to the State the sum of Five Hundred Dollars for each such offense, and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this Act.

Mandamus may issue to enforce Act.

Sec. 19. That the District Courts of this State shall have jurisdiction upon the application of the Attorney General, who shall act upon the request of the Commission, alleging the failure to comply with or the violation of any of the provisions of this Act, to issue a writ or writs of mandamus, commanding such common carrier, or offending shipper, consignee or applicant for cars, to comply with the provisions of this Act, or any of them.

Commission may apply to District Court for enforcement of its order.

Sec. 20. If any carrier fails or neglects to obey any order of the Commission, other than for the payment of money, while the same is in effect, any party injured thereby, or the Commission in its own name, may apply to the District Court of the district where such carrier has its principal operating office, or in which the violation or disobedience of such order shall happen, for an enforcement of said order. Such application shall be by petition, which shall state the substance of the order and the respect in which the carrier has failed of obedience, and shall be served upon the carrier in such manner as the court may direct, and the court shall prosecute such inquiries and make such investigations through such means as it shall deem needful in the ascertainment of the facts at issue or which may arise upon the

Contents of petition.

hearing of such petition. If upon such hearing as the court may determine to be necessary, it appears that the order was regularly made and duly served and that the carrier has not appealed therefrom and is in disobedience of the same, the court shall enforce obedience to such order by writ of injunction or other process, mandatory or otherwise, to restrain such carrier, its officers, agents or representatives, from further disobedience of same; and in the enforcement of such process the court shall have those powers ordinarily exercised by it in compelling obedience to its writs of injunction and mandamus. Either party interested may have ten days within which to appeal to the Supreme Court of this State from the judgment, order or decree of the District Court, but pending such appeal to the Supreme Court, the order or decree of the District Court shall remain and be in full force, unless and until the same shall be superseded by an order of the Supreme Court; Provided, that unless an adverse decision is rendered by said Supreme Court within ninety days of the date of the filing the said appeal in the Supreme Court, then the order made by the Commission shall take effect and be in force until set aside by the Supreme Court, unless the order of the Commission shall have been set aside or modified by the District Court, and in such case the order of the District Court shall supersede the order of the Commission.

Court to enforce ruling by injunction or other process.

Appeal to Supreme Court.

Sec. 21. Every common carrier operating any railroad shall transport without unreasonable delay or discrimination the passengers or freight offered by any connecting common carrier, and also the empty and loaded cars furnished by any connecting common carrier to be delivered at any station on its own line, to be loaded or unloaded or reloaded and returned upon the railroad so connecting; and for compensation for so handling such freight and empty and loaded cars it shall not demand or receive any greater sum than is accepted by it from any other common carrier operating another railroad, for similar services; but this Act shall not be construed as requiring any common carrier to give the use of its tracks or terminal facilities to another common carrier engaged in like business.

Cars to be furnished upon notice without unreasonable delay or discrimination.

If any common carrier shall fail, refuse or neglect to perform the duty prescribed in this section, it shall, for every such violation, failure, neglect or refusal, be liable to the party damaged thereby in such sum as damages as may be recovered in any court of competent jurisdiction. In case there shall be an insufficiency of cars at any time to meet all requirements, the available cars shall be distributed among the several applicants

Damages for refusal or neglect.

In case of insufficiency of cars, live stock, etc., given preference.

therefor in proportion to their respective immediate requirements, without unjust or undue discrimination among shippers or competitive or non-competitive places, except that preference shall be given to shipments of live stock and perishable property, but the Commission shall have power to investigate such lack of cars or of motive power, and to determine if the same is the result of continued neglect by the common carrier to secure sufficient cars or motive power for use at all times, and if so, to order that the common carrier comply with the requirements of this Act, regarding a suitable supply of cars and motive power to meet a reasonable requirement. All common carriers accepting live stock and perishable fruit under the provisions of this Act, must move from point of origin to destination within the State at an average speed of not less than ten miles per hour, including all stoppages except where prevented by an unavoidable accident or unusual storm.

Live stock and perishable fruit must be moved at speed of ten miles per hour.

Commission empowered to enforce regulations in supplying cars.

The Commission shall have power to enforce reasonable regulations in supplying cars to shippers and for switching the same and for the loading and unloading and reloading thereof, and for the weighing of cars and freight offered for shipment by any common carrier.

Cars must be loaded within forty-eight hours.

Penalty for failure.

Sec. 22. After delivery of the car or cars to the applicant by the common carrier, forty-eight hours shall be allowed to the applicant to load said cars, computing from seven a. m. the day following the delivery of the cars, and upon failure so to do the common carrier shall be entitled to collect from said applicant the sum of one dollar per day for each car not returned loaded to the common carrier within the time thus allowed, and if the applicant shall not use the cars applied for the common carrier shall be entitled to collect the sum of One Dollar per car per day and a reasonable switching charge for each car so delivered and not used. Provided, that severe storms, or causes which make delivery of product or stock at the loading point practically impossible to the applicant for cars, shall, while such conditions prevail, exempt such applicant for cars, from the penalty above named.

Exceptions.

Cars must be unloaded within forty-eight hours.

Penalty for failure.

Sec. 23. A consignee or other interested party shall be allowed forty-eight hours of free time to unload cars of thirty tons capacity or tonnage, or less, and an additional twenty-four hours of free time shall be allowed on cars of greater tonnage or capacity, taking each track delivery computed from seven o'clock a. m. of the day following the day notice of arrival of the cars and of the placing at an accessible point for unloading is given to the consignee or other interested party, and thereafter the common carrier may collect a charge of One Dollar

per day or fraction of a day during which cars are not unloaded or returned to the common carrier. Cars of live stock shall be placed for unloading within two hours after reaching destination. In the event that cars are bunched and delivered, through any negligence of the carrier, to the consignee, or the party whose interest therein may appear, in numbers beyond his reasonable ability to unload within the free time herein allowed, he shall be granted by the carrier such additional time as may be necessary to unload cars in the order of their shipment. Exceptions.

Sec. 24. It shall be the duty of every common carrier doing business in this State to furnish suitable cars to any and all persons, firms or corporations who apply therefor, for the transportation of property with all reasonable dispatch. Upon application made by any owner or shipper of property to be transported to any agent or other person in charge of transportation of any such common carrier, at any point that cars are desired upon which to ship such property, stating the number of cars desired, and place at which they are desired, and the time at which they are desired, and the kind of property to be shipped or transported, it shall be the duty of such carrier to supply the number of cars desired, suitable for the purpose required within a reasonable time thereafter, not to exceed five days. If any carrier shall fail or neglect to furnish cars when thus applied for, within the time herein prescribed as herein required, such carrier shall forfeit to the shipper the sum of One Dollar per day or fraction of a day for each car failed to be furnished within the time as herein required; Provided, that all actual damages such applicant may sustain may be sued for and recovered in any court of competent jurisdiction. Provided, that unavoidable accidents, unusually severe storms, or damage to roadbeds (roadbeds), directly affecting the delivery of such cars, shall excuse such common carrier from the penalties of this Act, until such damages or other causes of delay can be expeditiously removed. Application for cars.

Penalty for failure to furnish cars.

Further damages.

Exception.

Sec. 25. It shall be the duty of every common carrier to transport any and all shipments between points in this State with the utmost diligence, and to move live stock and perishable products toward destination continuously, without unnecessary delays or longer stops than regular stops at stations, or stops for feeding, icing or watering, and at a minimum speed of not less than ten miles per hour; Provided, That excessive storms, unavoidable accidents or damage to roadbeds which shall delay such shipments beyond the power of the common carrier to immediately overcome, shall exempt such com- Shipment transported with diligence and without unnecessary delays.

Exception.

mon carrier from compliance with the minimum speed limit, until such storms subside or damage can be expeditiously repaired.

Penalty for failure.

For failure of any common carrier to receive and transport such shipments with the utmost diligence, such common carrier issuing the receipt or bill of lading therefor shall pay to the owner, consignee or other interested party whose interests may appear, such actual damages as the owner, consignee or other interested party may sustain, and the same may be sued for and be recovered in any court of competent jurisdiction in the district in which the plaintiff resides.

Accident resulting in death or injury.

Sec. 26. Every common carrier shall, whenever an accident attended by bodily injury or loss of human life occurs in this State on its line of road or on its ground or in its yards, give immediate notice thereof to the Commission.

Notice.

Investigation by Commission.

In the event of any such accident, the Commission, if it shall deem the public interest to require it, shall cause a suitable investigation to be made forthwith, and shall give reasonable notice thereof to the person and common carriers primarily interested.

Expense of investigation.

The expense of such investigation shall be certified by a majority of the Commission and shall be audited and paid by the State in the same manner as other expenses are audited and paid.

Commission to make rules to prevent accidents.

The Commission shall be empowered to make and enforce such rules as, in their judgment, will tend to prevent accidents in the operation of the railroads of this State.

Commission may order improvement in road and equipment.

Sec. 27. If, in the judgment of the Commission, after a careful personal examination and investigation, and after a hearing before the Commission, or the opportunity for such hearing, the Commission shall find that repairs, improvements or increased facilities in respect to roadbeds, trackage, rolling stock, stations and depots, yards, terminal facilities, switches, signals, or any other element of the service of any common carrier, shall be necessary and within the reasonable power of any common carrier to make, or adopt, for the promotion of the security of persons as to life and limb, or for the convenience and accommodations of the public in the shipping and handling of property, the Commission shall make such reasonable order requiring any common carrier to do any such thing deemed by the Commission to be proper in respect to such matters, within a reasonable time to be fixed by the Commission, as to them shall seem so necessary and so within such reasonable power of such common carrier; and the orders of the Commission in such respect

shall be enforced by the proper writs and orders of courts of competent jurisdiction.

Sec. 28. All Acts and parts of Acts inconsistent herewith are hereby repealed. All parts of the Act hereby amended and not re-enacted in this Act are hereby repealed. ^{Repealing clause.}

Filed in office of Secretary of State, November 16, 1910. Not signed or disapproved by the Governor.

PART II.

FINDINGS, REGULATIONS AND
ORDERS ON FORMAL COMPLAINTS

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 9.

CITIZENS OF SEVERANCE, COLORADO, PETITIONERS,
vs.
THE GREAT WESTERN RAILWAY COMPANY, RESPONDENTS.

Submitted November 18, 1908.

Dismissed May 3, 1909.

FINDINGS AND ORDER OF THE COMMISSION.

This is a petition for agent and increased facilities.

On November 18, 1908, petitioners filed their complaint, alleging inadequate facilities at Severance. The petition was referred to E. R. Griffin, General Manager of The Great Western Railway Company, and date to answer was fixed for January 5, 1909.

At the request of both parties date to answer was postponed to March 25th and further postponed to April 2, 1909.

Pursuant to agreement on the part of The Great Western Railway Company to perform the several things as stated in detail in their answer, and the Commission being advised by the attorney for respondents that the work had already been commenced, the petition was dismissed May 3, 1909.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 10.

THE CRYSTAL RIVER MARBLE COMPANY, PETITIONER,
vs.
THE CRYSTAL RIVER & SAN JUAN RAILWAY COMPANY,
RESPONDENT.

Submitted October 28, 1908.

Dismissed February 15, 1909.

Discrimination in service. Petition filed October 28, 1908. February 3rd, hearing. February 15th, dismissed.

The Crystal River Marble Company claimed a discrimination against them by the respondent railway company in favor of The Colorado Yule Marble Company, in not permitting them the same privileges accorded The Colorado Yule Marble Company, by refusing them the same rights as to erecting derricks, platforms and side-track facilities for the handling and loading of their marble, as were accorded The Colorado Yule Marble Company.

FINDINGS AND ORDER OF THE COMMISSION.

This matter coming on for hearing this 3rd day of February, 1909, before the Commission, all members thereof being present, the petitioner being represented by B. C. Hilliard, Esq., its attorney, and the respondent being represented by E. C. Stimson, Esq., its attorney, the following proceedings were had:

Mr. Stimson, on behalf of the respondent, presented a plea to the jurisdiction of the Commission, claiming the Commission is without jurisdiction to determine the matters set up in the petition or to grant the prayer of relief asked for, on the ground that said respondent, The Crystal River & San Juan Railway Company, is a mountain railway whose principal business is hauling mineral from, to wit, Marble, and supplies to, to wit, the

mines and quarries of The Colorado-Yule Marble Company, which said railway owns and operates less than twenty miles of road.

It was decided by the Commission to permit the respective parties hereto to introduce their evidence as to the merits of the cause, and that the Commission would decide upon the question of jurisdiction after all the evidence was heard and before passing upon the merits of the case.

The section of the statute relied upon by the respondent in its plea to the jurisdiction of the Commission, in our present act, reads as follows:

Section 1. That the provisions of this Act shall apply to common carriers and to any corporation or any person or persons engaged in the transportation of passengers or property, or the receiving, delivering, storing or handling of property shipped or carried from one point or place within this State to any other point or place within this State; Provided, however, that this act shall not apply to mountain railroads, operating less than twenty miles of road, the principal traffic of which is the hauling of mineral from and supplies to mines. This Act shall not apply to the ownership, or operation, of street railways conducted solely as common carriers in the transportation of passengers within the limits of cities and towns, nor to the ownership or operation of private railways not used in the business of any common carriers.

It appears from the evidence that the respondent, The Crystal River and San Juan Railway Company, owns and operates a railway between the towns of Redstone and Marble, Colorado, the total length of said road being not over twelve miles; that it carries the United States mail and is a common carrier; that the town of Marble has a population of between seven and eight hundred; that The Colorado-Yule Marble Company and The Crystal River Marble Company ship their product over the respondent railway; that the petitioner, The Crystal River Marble Company, claims a discrimination against them by the respondent railway company in favor of the Colorado-Yule Marble Company in not permitting them, the petitioning company, the same privileges extended the Colorado-Yule Marble Company, in that the respondent refuses to allow the petitioner the same rights as to erecting derricks, platform or side-track facilities for the handling and loading of its marble as are accorded the Colorado-Yule Marble Company.

It also appears from the evidence that practically all of the outward-going business of said respondent railway company is the carrying of marble, either dressed or undressed, and that this was the principal traffic of said respondent company during the past year; that practically all of the inbound freight is the carrying of supplies to these quarries, or to the mines and quarries in that region; that the chief business of said respondent company is to serve the development of the marble quarries and

mines in said district; that practically all of the inhabitants of Marble are engaged in the business of working in the quarries; that there is no live stock shipped from this point, and that the chief business of the respondent company is the carrying supplies to and mineral from these quarries. These facts above stated, as to the chief business of said respondent, are not denied by petitioner.

FINDINGS.

The Commission, therefore, from the evidence adduced herein, finds that the respondent railway company owns and operates a railway, less than twenty (20) miles in length; that the same is a mountain railroad, and that the principal traffic of said respondent is the hauling of mineral from and supplies to the said quarries, and that the said quarries are mines within the contemplation of section 1 of the present Act To Regulate Common Carriers in this State.

That the plea to the jurisdiction filed by the respondent, The Crystal River & San Juan Railway Company, is sustained, and that this Commission is without jurisdiction to hear and determine the merits of this case.

ORDER.

It is therefore ordered by the Commission that the petition herein be and the same is hereby dismissed.

Dated at Denver this 15th day of February, 1909.

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 11.

CITIZENS OF ATWOOD, COLORADO, PETITIONERS,

VS.

UNION PACIFIC RAILROAD AND CHICAGO, BURLINGTON
& QUINCY RAILROAD COMPANIES, RESPONDENTS.

Submitted December 4, 1908.

FINDINGS OF THE COMMISSION.

Petition for depot at Atwood, Colorado.

Petition filed December 4, 1908. December 5, 1908, referred to petitioners for additional information.

The Commission received four letters from Atwood, Colorado, calling attention to the need of a depot at that place and asking information as to how to proceed with reference to securing one.

The Commission advised them to present their petition and mentioned the facts necessary to be set forth in same.

The petition was submitted and did not contain any of the information asked for by the Commission, and a second letter was addressed to them, calling for the same information.

Nothing further having been heard from the petitioners, the case was closed.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 12.

THE JENKINS-McKAY HARDWARE COMPANY, PETITIONER,
VS.
THE COLORADO & SOUTHERN RAILWAY COMPANY, RE-
SPONDENT.

Submitted February 15, 1909.

Decided April 19, 1909.

FINDINGS AND ORDER OF THE COMMISSION.

The petitioner, The Jenkins-McKay Hardware Company, filed on January 25, 1909, their petition with the Commission, wherein they stated: That on December 11, 1908, the petitioners shipped from Denver to Central City one car of smithing coal, 40,000 pounds, for which the defendant, The Colorado & Southern Railway Company, charged them a rate of \$3.20 per ton, the alleged distance being 38 miles, which said rate petitioners claim is discriminatory and unjust; they also allege that the said railway company had no published schedule of rates on said commodity prior to January 1, 1909. They asked that they be refunded the difference between the rate charged and what would be a fair and just rate, and that the Commission establish a proper and equitable rate between the said points on said commodity.

After duly notifying the said Colorado & Southern Railway Company the Commission fixed the 9th day of February as the date on which said defendant should answer, and they duly filed their answer on said date, stating that at the time of the movement of the said shipment the only rate they had applying on said commodity between the said points was 16 cents per 100 pounds; admitting that the said rate was unjust, and alleging that after the said shipment, to wit, on January 1, 1909, they published and filed a rate of \$2.25 per ton on said commodity, and asked permission to pay to the petitioners the difference between the said rate of \$2.25 per ton and the charge of \$3.20.

On March 1, 1909, a hearing was had before the Commission, all of the members thereof being present.

HEARING.

There were present at said hearing Mr. John C. Jenkins, one of the petitioners, and Mr. James M. Seright, attorney for said petitioners.

Mr. E. E. Whitted, general counsel for The Colorado & Southern Railway Company, was also present.

The following facts were testified to by witnesses, after being duly sworn:

Mr. H. A. Johnson testified that he was the general freight agent of the defendant railroad, and had been since 1899.

That their charge on coal from Louisville, Colorado, to Central City, by way of Denver, was \$1.75 per ton; that they had to transfer the same at Denver for Central City; that the distance from Denver to Louisville points from where the said coal was shipped was as far as 24 miles, making a distance of 62 miles through Denver to Central City.

That the rate on coal from Trinidad District to Central City through Denver is \$3.20 per ton.

That in shipping from Trinidad and other points the defendant company charged the same rate on blacksmith coal as on other kinds of coal.

That the rate on blacksmith coal from Louisville district to Central City is \$1.75 per ton, the same as from Denver to Central City, and was classed the same.

ORDER.

Upon these facts the Commission finds that the rate so charged the petitioner of \$3.20 is unjustly discriminatory and unduly preferential, and that a fair and just rate for said commodity between the said points should be no higher than \$1.75 per ton, the same as charged for the said commodity from Louisville, Colorado, to Central City, Colorado. That the said respondent is ordered to charge no more than the said \$1.75 rate in the future, and that on the said shipment complained of the defendant company refund to petitioner the said difference between \$3.20 per ton and the said rate of \$1.75 per ton.

This order shall take effect May 22, 1909.

Dated at Denver, Colorado, April 19, 1909.

(Signed)

AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 12.

JENKINS-McKAY HARDWARE COMPANY
vs.
THE COLORADO & SOUTHERN RAILWAY
COMPANY.

Submitted February 15, 1909.
Rehearing July 26, 1909.
Decided September 20, 1909.

FINDINGS AND ORDER OF THE COMMISSION.

On May 19, 1909, the defendant, The Colorado and Southern Railway Company, filed a motion for a rehearing and reopening of this cause and for leave to offer further evidence.

On July 6, 1909, the said motion was argued by Mr. E. E. Whitted, counsel for defendant, the petitioner being present by Mr. J. M. Seright, its attorney. Said motion was granted by the Commission, and the order of April 19, 1909, set aside, and both petitioner and defendant allowed to offer additional testimony, and the rehearing set for Monday, July 19, 1909.

By agreement of the respective counsel, the rehearing was continued to Monday, July 26, 1909, at 10 o'clock a. m.

On motion of Mr. Seright, attorney for said petitioner, the petitioner was allowed to amend the original petition to show an award of damages, instead of charges.

One car of blacksmith coal, shipped from Redstone, Colorado, December 11, 1908, weight 40,000 pounds, and on which said petitioner paid freight from Denver to Central City, Colo., is the shipment complained of as carrying a rate which, as alleged, is excessive, unjust and unreasonable.

The shipment, which moved subsequent to January 1, 1909, under the commodity rate on blacksmith coal of \$2.25 per ton, C. L., Denver to Central City, and on which the defendant collected, through mistake, as admitted, the rate of \$3.20 per ton, is also claimed to be excessive and unjust. Yet, this second

shipment not being included in the complaint or the pleadings, this Commission is without jurisdiction to adjust the same.

While the law requires carriers to establish, file and publish their rates, such publication is not conclusive of their reasonableness. It is also within the province of the Commission to award reparation for duly proven damages to parties injured by unreasonable and unjust charges, even though such charges be in accordance with published rates.

The complainant asks for lower rates from Denver to Central City, Colorado, and comparison is made with rates from coal-producing points, the particular points being:

First. What is known as the "Northern Colorado Field," but, for purposes under consideration, designated as "Louisville."

Second. Comparison is made with what is known as the "Trinidad District," which is distant from Denver about 200 miles and 240 miles from Central City.

Prior to January 1, 1909, the defendant had no rate on blacksmith coal other than "Class D" rate, which was \$3.20 per ton, or 16 cents per 100 pounds, but on said date a rate of \$2.25 per ton, C. L., went into effect on blacksmith coal *only*—the rate of \$3.20 on all other coal remaining in effect.

Complainant contends that the rate exacted by defendant for the transportation of blacksmith coal from Denver to Central City is excessive and unjust, even as published effective January 1, 1909, and asked that said rate of \$2.25 between said points be still further reduced.

The testimony of Mr. Johnson, general freight agent of the Colorado & Southern Railway, disclosed the fact that all coal moving between Denver and Central City took "Class D" rate, and was classed the same prior to January 1, 1909.

In the former hearing it was claimed by counsel for defendant that the tariff rate published January 1, 1909, of \$2.25 per ton, is not excessive, and that it can not be compared with the \$1.75 rate on lignite coal from Louisville, as blacksmith coal is a higher grade coal and is shipped in limited quantities, whereas they haul trains of lignite coal daily, a cheaper grade of coal and carrying a cheaper rate.

While the Interstate Commerce Commission has held in several instances that the unreasonableness of a rate can not be proven by simply comparing it with another rate, yet, under conditions and circumstances similar to those surrounding this case, the comparisons are worthy of consideration, when taken in connection with the other circumstances and conditions, as shown and brought out in the testimony.

This statement, it seems to us, is a little misleading when applied to the question at issue, and is susceptible of a broader construction when applied to the case before us, because if, as

counsel alleges, blacksmith coal is a higher grade of coal and can not be compared with the \$1.75 rate on lignite coal from Louisville, can it not, on the other hand, be compared with the rate on lignite and other soft coals, which are inferior in grade to blacksmith coal and sell for a less price, the tariff rate of which is \$3.20 per ton, C. L., Denver to Central City, while the published rate on blacksmith coal since January 1, 1909, is \$2.25 per ton, C. L., Denver to Central City?

It is hard to justify so startling a disproportion between these two rates.

The tariff rate for coal per ton, C. L., from Louisville to Central City, as published, is \$1.75, a distance of about 60 miles, and is equivalent to about 3 cents per ton per mile; and it was not shown by defendant that this is not a remunerative rate.

The rate from Denver to Central City on the same class of coal, a distance of about 40 miles, is \$3.20 per ton, C. L., or 8 cents per ton per mile. If the rate from Louisville to Central City is remunerative, this certainly must be.

The rate from Denver to Central City on blacksmith coal, C. L., as published, effective January 1, 1909, is \$2.25 per ton, or about 5½ cents per mile per ton.

The rate from the Trinidad district to Denver, a distance of from 200 to 222 miles, is \$1.85 per ton, C. L., or about 1 1/7 cents per ton per mile.

From Trinidad to Central City, the distance being approximately 250 miles, the rate is \$3.50 per ton, C. L., or 1 2/5 cents per ton per mile.

The testimony introduced at the rehearing by defendant, showing cost of service from Golden to Central City, is not, in our opinion, sufficiently complete, and therefore of no considerable importance in aiding the Commission in arriving at its decision, inasmuch as it does not attempt to show the cost of service for the entire haul of 40 miles, but selects a portion of the line only, where there is a grade of considerable proportion. The Commission recognizes the justice of taking into consideration the cost of service in adjusting rates, but in this instance the evidence does not give much light on the subject.

The evidence adduced at both hearings in this case before the Commission discloses the fact that the defendant is either hauling coal from the Louisville and Trinidad districts at a loss, or is collecting too high a rate on such commodity from Denver to Central City.

This Commission contends that it has been given jurisdiction by the act creating it to award as reparation the difference between a published rate and what is found to be a reasonable rate.

Therefore, based upon all the facts in the case, our conclusions are that the complainant is entitled to damages for the amount in excess of \$2.00 per ton on the car of blacksmith coal which was shown to have been shipped December 11, 1908, and

the Commission finds that the rate charged and collected by the defendant for the shipment in question was unjust and unreasonable, and that petitioner is entitled to \$24.00 damages by way of reparation.

ORDER.

It is therefore ordered by the Commission that the defendant, The Colorado and Southern Railway Company, pay to the petitioner, within thirty (30) days from this date, the sum of twenty-four dollars (\$24.00); and, further, that defendant maintain for a period of not less than two (2) years a rate not to exceed \$1.75 per ton on all soft coals, C. L., and a rate not to exceed \$2.00 per ton, C. L., on blacksmith coal, from Denver to Central City, Colorado.

This order shall go into effect and be and remain in force on and after the 21st day of October, A. D. 1909.

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated this 20th day of September, 1909.

BEFORE THE

STATE RAILROAD COMMISSION OF COLORADO.

Case No. 13.

A. Z. SALOMON, COMPLAINANT,

VS.

THE COLORADO & SOUTHERN RAILWAY COMPANY, A
CORPORATION, RESPONDENT.

Submitted May 3, 1909.

Decided May 3, 1909.

FINDINGS AND ORDER OF THE COMMISSION.

Alleged overcharge on shipment of alfalfa seed from Greeley to Windsor, Colorado. Reparation awarded.

The complainant on March 12, 1909, filed his written complaint with the Commission, in which it is alleged that the respondent above named is a common carrier, engaged in the transportation of passengers and property between Greeley and Windsor, in the State of Colorado; that on the 19th day of January, 1909, the complainant shipped on the respondent's railroad 20,115 pounds of alfalfa seed from Greeley, Colorado, to Windsor, Colorado, a distance of twelve miles, for which the respondent charged the sum of \$30.16, or 15 cents per cwt.; that the respondent's rate on the same commodity between Greeley and Denver, Colorado, is 20 cents per cwt., a distance of 99 miles; that the Union Pacific railroad has in force a rate of 20 cents per cwt. on the same commodity from Denver to Greeley, a distance of fifty-four miles; the complainant asked for a rate of 5 cents per cwt. between said points, and that he be paid by said respondent the difference between the rate charged and the rate of 5 cents per cwt. on said shipment.

After being served with copy of said complaint, the respondent, on, to wit, the 2d day of April, 1909, filed its answer with the Commission, in which it admits that said rate of 15 cents per cwt. charged by them on said commodity between said points is excessive, and that the true distance between said points is 12.30 miles; that the rate of 15 cents was charged through error, and that the published tariff of said respondent, the Colorado & Southern Railway Company, carries a rate of 8 cents per cwt., minimum weight 30,000 pounds; that the total charge on said shipment should have been \$24.00; that they are ready and willing to reimburse the complainant the amount of \$6.16, which is the difference between the said rate of 15 cents per 100 pounds and the rate of 8 cents per 100 pounds.

Under date of April 3, 1909, the complainant, replying to respondent's answer, filed his written acceptance of the rate of 8 cents per cwt. on said commodity and of the refund of \$6.16 as offered by respondent.

Therefore, upon the pleadings herein, it is hereby ordered by the Commission that the respondent, The Colorado & Southern Railway Company, charge a rate of 8 cents per 100 pounds on said commodity between the said points of Greeley and Windsor, Colorado, and that the minimum weight of such car-load shipments be 30,000 pounds, and that it charge no higher rate thereon, and that the said respondent, The Colorado & Southern Railway Company, refund to the complainant herein the sum of \$6.16.

BY ORDER OF THE COMMISSION.

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,

Commissioners.

Dated at Denver the 3d day of May, A. D. 1909.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 14.

J. C. BABCOCK, PETITIONER,
VS.
THE GLOBE EXPRESS COMPANY, RESPONDENT.

Submitted March 24, 1909.

Decided April 19, 1909.

FINDINGS AND ORDER OF THE COMMISSION.

Alleged excessive rate on milk and cream from Greenland, Colorado, to Manitou, Colorado.

The said petitioner having filed complaint with this Commission on the 24th day of March, 1909, alleging excessive rate charged by the defendant, The Globe Express Company, on milk and cream from Greenland, Douglas county, to Manitou, El Paso county, State of Colorado, he, the said petitioner, under date of April 5, 1909, filed a written statement withdrawing the complaint and stating that the respondent, The Globe Express Company, had arranged for satisfactory rates on milk and therefore had satisfied the complaint.

Wherefore, it is ordered by the Commission, that this cause be and the same is hereby dismissed, the respondent having satisfied the complaint without formal hearing.

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver, April 19, 1909.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 15.

Z. J. FORT, AN INDIVIDUAL DOING BUSINESS AS THE Z. J. FORT
PRODUCE COMPANY, COMPLAINANT,

VS.

THE UNION PACIFIC RAILROAD COMPANY, RESPONDENT.

Submitted May 17, 1909.

Decided May 17, 1909.

FINDINGS AND ORDER OF THE COMMISSION.

Alleged excessive rate on manure from Denver, Colorado, to Brighton, Colorado.

The complainant, on the 26th day of April, 1909, filed his written complaint, alleging that on the 26th day of January, 1909, the defendant, The Union Pacific Railroad Company, issued a rate of 3 cents per cwt. on manure, carload lots, Denver to Brighton, Colorado, minimum weight 60,000 pounds; that on March 5, 1909, by Supplement 18 to I. C. C. No. 2138, U. P. Tariff, a rate of 3 cents per cwt. on carload lots of manure Denver to Brighton, minimum weight 40,000 pounds, became effective; that between the dates of January 26, 1909, and March 5, 1909, the complainant shipped via the said Union Pacific Railroad from Denver to Brighton, at the rate of 3 cents per 100 pounds, carload lots, minimum weight 60,000 pounds, a total of twelve (12) cars of manure, and paid said rate to said defendant; that in no instance was the complainant able to load said cars, or any of them, to the minimum weight of 60,000 pounds, but on the contrary, all of said cars, with the exception of three cars, were loaded in excess of 40,000 pounds, but less than 60,000 pounds; that three of said cars contained the following net weights: 33,400 pounds, 37,800 pounds and 35,600 pounds, being less than the minimum of 40,000 pounds; the said complainant further alleges that the rate of 3 cents per cwt., carload lots, minimum weight 60,000 pounds, from Denver to Brighton as aforesaid, is unjust, unreasonable and excessive, and prays that the defendant be required to answer the charges

and that an order be made compelling the defendant to refund to him, the said complainant, as to all cars hereinbefore mentioned, except the three cars whose weights are specifically given, the difference between the actual net weight and the minimum of 60,000 pounds, at the rate of 3 cents per 100 pounds, and to refund to complainant as to said three cars the difference between the minimum weight of 40,000 pounds and the minimum of 60,000 pounds, at the rate of 3 cents per 100 pounds.

That after due notice to defendant, and of service upon it of a copy of said complaint, the defendant, The Union Pacific Railroad Company, thereafter filed its answer, in which all the material allegations of the said complaint were admitted, save and except that the rate of 3 cents per 100 pounds is unjust, unreasonable and excessive.

Therefore, it is hereby ordered by the Commission on the pleadings herein, that the said defendant, The Union Pacific Railroad Company, charge the rate of 3 cents per 100 pounds on manure, carload lots, minimum weight 40,000 pounds, Denver to Brighton, and no more; that the defendant herein refund to said complainant as to all cars hereinbefore mentioned, except the three cars whose weights are, respectively, 33,400, 37,800 and 55,600 pounds, the difference between the actual net weight of the cars shipped and the minimum weight of 60,000 pounds, at the rate of 3 cents per cwt., and also refund to said complainant as to the said three cars whose weights are specifically given above, the difference between the minimum weight of 40,000 pounds and the minimum weight of 60,000 pounds.

By order of the Commission:

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver, Colorado, this 17th day of May, A. D. 1909.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case. No. 16.

THE PIONEER PRESSED STONE COMPANY, BY E. H.
MARSH, ITS PRESIDENT, PETITIONER,

VS.

THE UNION PACIFIC RAILROAD COMPANY, RESPONDENT.

Submitted October 16, 1909.

Decided October 18, 1909.

FINDINGS AND ORDER OF COMMISSION.

Switching at Denver.

This cause having come on to be heard this 16th day of October, 1909, the same having been continued from September 20, 1909, the petitioner herein not appearing, although duly notified of the setting of this cause for hearing on this date at the hour of 10 o'clock a. m., the said defendant being present by C. C. Dorsey, its attorney, and the Commission having waited until the hour of eleven o'clock for appearance of said petitioner,

It is hereby ordered by the Commission that this cause be, and the same is hereby, dismissed for lack of prosecution.

Dated at Denver, Colorado, this 18th day of October, A. D. 1909.

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,

Commissioners.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 17.

THE CITIZENS OF GENOA, COLORADO, PETITIONERS.

VS.

THE CHICAGO, ROCK ISLAND & PACIFIC RAILWAY
COMPANY, RESPONDENT.

Submitted September 20, 1909.

Decided September 20, 1909.

FINDINGS AND ORDER OF THE COMMISSION.

On June 2, 1909, a petition was filed with the Commission, signed by a number of citizens of the town of Genoa, Colorado, asking that the defendant company be required to establish a day agent and a depot in said town, and also to establish a road crossing near said depot.

It was further stated in said petition that the town of Genoa, for the month of April, 1909, had furnished the said defendant with business to the amount of \$1,836.42; that they were without proper accommodations in the way of a depot and that there was no agent at said depot during the day.

The defendant railway company was duly notified, a copy of the petition being served them, according to law, and on July 23, 1909, the said defendant filed its answer, in which it denied the power of the Commission to act in the matter, on account of alleged unconstitutionality of the law creating it, the State Railroad Commission of Colorado. It further alleged that the Commission is without jurisdiction to establish a railroad crossing in said town and that the question as to where a public highway shall be constructed across said railway is solely a matter to be decided by the County Commissioners of Lincoln county.

The said defendant, in its said answer, offered to make certain concessions, to wit, that it would make such additions to its station facilities in said town of Genoa as may be necessary to meet the needs of the passenger and freight business done by and through said railway company at said point; that it would install at its station in said town a day agent, subject, however,

to the right of the said defendant railway company to withdraw such agency at any time when, in the opinion of the defendant, the amount of business, both freight and passenger, transacted by the said railway company at Genoa was not sufficient to warrant the said defendant in undergoing the expense incurred by the maintenance of said agency.

A formal hearing of the matters at issue was held on Monday, September 20, at which were present Mr. Caldwell Martin, attorney for said defendant railway company, and Mr. A. T. Abbott, its superintendent for the Colorado division. There were present for the petitioners Mr. A. D. Daywitt, Mr. Jansen and Mr. Hicks, and Mr. L. G. Johnson, their attorney.

Prior to the hearing the town of Genoa was visited by Mr. Worth L. Seely, Secretary of the Commission, and at the hearing a great deal of information was elicited from the witnesses who were present and testified. It appears that the town of Genoa has a population of approximately 150 people; that almost all lines of business are represented there, and that a large amount of both freight and passenger business is done by the said defendant at that point, in some months the amount aggregating \$1,836.42, and averaging for the first four months of this year \$1,550.12 per month. That the country contiguous to the said town of Genoa contains a large population of farmers, reaching as far as ten miles from the said town in opposite directions, and that the said farmers during the present season have cultivated and raised large crops of wheat and other small grains, besides other produce and live stock, all of which is shipped over the defendant company's railroad from said town of Genoa; that the depot, at the time the petition was filed, consisted of a box car, partitioned so that part only was used for the accommodation of passengers, there being no freight depot; that the passengers taking trains at said station were compelled to get on the cars from the ground, there being no platform or other facilities.

That shippers, in loading cars for the defendant company, were compelled to go around a distant crossing from said depot to where freight cars were standing on a sidetrack, and in so doing they are put to considerable inconvenience in not having a crossing nearer the said depot; that, owing to the fact that there was no day agent at Genoa, shippers were frequently compelled to wait until evening, in order to receive their freight from the night agent.

Evidence adduced on the part of the defendant railway company showed that since the filing of the petition the said defendant has established a depot at said town, which consists of two box cars, one for the storing of freight and the other partitioned for the accommodation of passengers, and that said defendant company has now in contemplation the construction of a platform sufficiently ample to accommodate passengers in

boarding the trains; that the said defendant has at the present time a day agent at its depot in Genoa. It further appeared from the evidence given by Mr. Abbott that the defendant railway company cannot establish the desired railway crossing without great inconvenience.

ORDER.

Upon these facts it is ordered by the Commission that the defendant, The Chicago, Rock Island & Pacific Railway Company, install and maintain a day agent at their said station in the said town of Genoa, Colorado; that the said defendant do construct and maintain a road crossing, crossing defendant's tracks at a point where First street in said town intersects the defendant's right of way; that the said defendant company do maintain a depot in said town, in the form of two box cars, as they have now established there, partitioned so as to give room for the accommodation of the patrons of the said railway company, both freight and passenger, the same to be well ventilated, heated and lighted for the comfort of the traveling public, and that the said defendant company do construct and maintain, between the said depot and the railroad tracks, a platform amply sufficient for the accommodation of the public in mounting and descending from the trains.

This order shall go into effect and be and remain in force on and after the 21st day of October, A. D. 1909.

(Signed) AARON P. ANDERSON,
WORTH L. SEELY,
DANIEL H. STALEY,
Commissioners.

Dated this 20th day of September, 1909.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 18.

JOHN J. SERRY, PETITIONER,
vs.
THE FLORENCE & CRIPPLE CREEK RAILWAY COMPANY,
RESPONDENT.

Submitted November 1, 1909. Dismissed November 1, 1909.

FINDINGS AND ORDER OF COMMISSION.

Alleged overweight on car of red spruce lumber.

This cause coming on for consideration this 1st day of November, 1909, and it appearing to the Commission that a settlement has been reached between the parties hereto, and the Commission having received a written statement from the said petitioner informing them of a settlement and authorizing them to dismiss the petition herein,

It is hereby ordered by the Commission that the said petition be and the same is hereby dismissed.

BY ORDER OF THE COMMISSION.

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver this 1st day of November, 1909.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 19.

ERNEST WHILES, ET AL., CITIZENS OF FIRESTONE, EVANSTON
AND FREDERICK, COLORADO, PETITIONERS,

VS.

THE UNION PACIFIC RAILROAD COMPANY, RESPONDENT.

Submitted September 17, 1909.

Decided January 3, 1910.

FINDINGS AND RECOMMENDATIONS OF THE COMMISSION.

Inadequate facilities.

This cause coming on for hearing on the 6th day of December, 1909, before the Commission.

Mr. William V. Hodges appearing for respondent company. Mr. H. M. Orahood for the citizens of Firestone, Mr. E. L. Williams for the citizens of Frederick.

This action was brought by petitioners asking that a depot be located at some point in or near one of the petitioning towns.

They alleged in their petition that the present location of the depot at Dacona is over one mile south of where the petitioning towns are situated.

Many witnesses were sworn and testified before the Commission, each of the said towns offering witnesses to show the advantage to the railroad, as well as to the different towns, by locating the depot within their respective townsites.

The Commissioners, each of them, made a personal inspection of the different towns and localities, as well as the railroad at these several points.

The defendant in this case for many years has operated a standard gauge road from Brighton (a station on its main line north from Denver) to the city of Boulder; this line being known as the Boulder Valley branch.

It appears from the evidence at the trial that sometime about the year 1905 Mr. Charles L. Baum made certain arrange-

ments with the officials of the respondent railroad company, whereby it was to build a spur track from St. Vrain, a point on the Boulder Valley branch, to his property (the Baum mine), a short distance from Dacona. This spur, as alleged, was completed about February, 1906, Mr. Baum having aided the respondent company in securing the right of way, and also by giving the said company the land necessary for station and yard purposes at or near where the town of Dacona is now situated, the said land being given in consideration of respondent company building and maintaining a depot and station at the point now known as the town of Dacona.

It also appears that when this spur track was surveyed and built to the Baum mine, the question of extending the Union Pacific Railroad to La Salle was not considered. Since that date, however, several mines have been opened up in that immediate vicinity; the towns of Frederick, Evanston and Firestone have been built, and the country settled by farmers within the vicinity and to the north of Dacona and adjacent to the petitioning towns.

The rapid development of this section of the country has led the respondent company to deem it advisable to build a line of railroad from Denver to La Salle by way of Dacona, Frederick, Evanston and Firestone.

There are two or three points which the Commission must determine in disposing of this case, namely:

First. Is the service which the people of Frederick, Evanston and Firestone, and the country adjacent thereto, reasonable and adequate?

Second. Can the defendant company erect a good and sufficient depot within the limits of any one of the aforesaid towns, and construct the necessary sidetracks at a reasonable cost, giving proper consideration to the interest of all concerned and each locality desiring a depot?

Third. If so, which is the most desirable location, and should the order be made at the present time?

We shall first consider the claims of Frederick, which town, from the evidence, is located between Dacona and Evanston and about one mile north of the depot at Dacona, and is much larger than either of the other towns. Owing to the topography of the land adjacent to Frederick and through which the respondent's line runs, on which it would be necessary to build additional trackage in order to properly care for the business, to locate the depot there would work unnecessary hardship and expense to respondent, as the level of the grade is much higher than the town, and it would require extensive filling in to raise the switches and sidetracks up to the level of the main line—all of which would have to be done to be consistent with good railroading.

The respondent company has a station and depot at Dacona, about one mile south of the town of Frederick, which was installed prior to the building of the other petitioning towns. The distance to said depot from said town is no greater than the distance from other towns to stations all over the country, and the fact that most of the mines have spur tracks where they load coal and also carlots of farm produce, tends to lessen any inconvenience in this particular.

Therefore, we do not consider the service which the community of Frederick is receiving at the present time as wholly unreasonable.

The Commission is also confronted with the fact that at the present time there is no track laid on the new grade north of Dacona, the road not being completed, and the Commission therefore hesitates to make any order requiring the railroad company to establish any station and depot at any point beyond where the new line is now completed.

It is the opinion of the Commission, however, that these towns and the country surrounding the several towns will rapidly develop with the building and completion of this new line of road, and when said line is completed the community to the north of Dacona will be entitled to additional facilities.

The Commission therefore recommends that respondent at as early a date as possible locate and build a suitable depot and sidetracks at a point near the north line of Evanston, on the new line of road, as this will, we believe, better meet the demands and requirements of this rapidly growing section of our State.

THE STATE RAILROAD COMMISSION OF COLORADO.

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver, Colorado, Monday, January 3, A. D. 1910.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 20.

THE MOORE-JACKSON GRAIN COMPANY, PETITIONER,
VS.
THE COLORADO & SOUTHERN RAILWAY COMPANY, RE-
SPONDENT.

Submitted October 13, 1909. Dismissed November 8, 1909.

FINDINGS AND ORDER OF THE COMMISSION.

Petition for scales to be installed at Fort Collins.

Petition for through rate on grain, Wellington or Waverly to Denver, with milling in transit privilege at Fort Collins.

This cause coming on for consideration this 8th day of November, 1909, it appearing to the Commission that a settlement has been reached between the parties hereto, and the Commission having received a written statement from the said petitioner, by its attorneys, that the petition has been satisfied by the Colorado & Southern Railway Company and authorizing a dismissal of the complaint,

It is hereby ordered by the Commission that the said cause be and the same is hereby dismissed.

BY ORDER OF THE COMMISSION.

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver, this 8th day of November, 1909.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 21.

P. W. BREENE, PETITIONER,
vs.
THE COLORADO & SOUTHERN RAILWAY COMPANY,
RESPONDENT.

Submitted November 6, 1909. Dismissed December 20, 1909.

FINDINGS AND ORDER OF THE COMMISSION.

Alleged overcharge on two cars of coal from Baldwin, Colorado, to Kokomo, Colorado.

This cause coming on for hearing this 20th day of December, 1909, at the hour of 10 o'clock a. m., according to previous assignment, the said defendant being present by Mr. A. S. Brooks, one of its attorneys, the said petitioner appearing not either in person or by attorney, thereupon on its own motion, the Commission continued the hearing for one hour and until 11 o'clock. Whereupon, the said petitioner, P. W. Breene, still failing to appear, on motion of Mr. Brooks, that the petition be dismissed for want of jurisdiction of the Commission to hear and determine the matters complained of,

It is ordered by the Commission that the said cause be and the same is hereby dismissed for want of appearance by said petitioner.

BY ORDER OF THE COMMISSION.

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver, Colorado, Monday, December 20, A. D. 1909.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 22.

THE CONSUMERS' LEAGUE OF COLORADO, A CORPORATION,
PETITIONER,

vs.

THE COLORADO & SOUTHERN RAILWAY COMPANY,
A CORPORATION, RESPONDENT,

THE CHICAGO, BURLINGTON & QUINCY RAILROAD COM-
PANY, INTERVENOR,

THE UNION PACIFIC RAILROAD COMPANY, INTERVENOR.

Submitted March 23, 1910.

Decided April 4, 1910.

FINDINGS AND ORDER OF THE COMMISSION.

On December 6, 1909, the petitioner herein filed its complaint, in which it alleged that petitioner is a corporation duly organized and existing under the laws of Colorado. That such corporation is formed for the purpose, among other things, of obtaining redress of wrongs to the consumers of Colorado, arising from unjust and unreasonable freight charges made by common carriers.

That said defendant, The Colorado & Southern Railway Company, is a common carrier engaged in the transportation of passengers and property, including coal for fuel, by railroad, between the town of Louisville, in the county of Boulder, State of Colorado, and the city of Denver, Colorado; that said Louisville is distant from Denver about twenty miles.

That said defendant charges and collects upon all shipments of coal in car loads from Louisville, destined to Denver, as follows:

On lump coal.....	80 cents per ton.
On mine run coal.....	70 cents per ton.
On slack coal.....	60 cents per ton.

That such charges are unjust, unreasonable and exorbitant, and in violation of the act to regulate common carriers.

Petitioner prays that said rates be reduced to the following prices:

Lump coal	50 cents per ton.
Mine run coal.....	45 cents per ton.
Slack coal	40 cents per ton.

On December 24, 1909, the defendant, The Colorado & Southern Railway Company, filed its answer herein, alleging that the complaint herein does not show (a) that complainant is a shipper over the railroad of defendant; or (b) that complainant has suffered or is suffering any injury or damage by reason of the maintenance of the rate complained of; or (c) that the consumers of the State of Colorado have authorized or requested complainant to institute any proceeding in their behalf.

That this Commission has no authority under or by virtue of the statutes of the State of Colorado, as set forth in chapter 208 of the Laws of 1907, to fix a maximum rate, or any rate, to be charged by defendant for transportation over its road.

That the act of the legislature referred to in complainant's complaint is unconstitutional and void.

The defendant prays that the complaint be dismissed.

On their application the intervenors, The Chicago, Burlington & Quincy Railroad Company and The Union Pacific Railroad Company, were allowed to intervene herein. The Chicago, Burlington & Quincy Railroad Company making the answer of The Colorado & Southern Railway Company its own; The Union Pacific Railroad Company filed a separate answer. Leave to intervene was granted February 27, 1910, and February 21, 1910, respectively. The answer of The Union Pacific Railroad Company being in all material matters the same as that of The Colorado & Southern Railway Company.

The hearing of the case was set for January 17, 1910, by the Commission, but on agreement of all attorneys the hearing was continued until March 7, 1910, on which date a formal hearing was commenced before the Commission, all the members being present, which said hearing was held from day to day, finally being concluded on March 23, 1910.

Mr. Albert L. Vogl, assisted by Mr. Robert Given, appeared as counsel for the petitioner.

Mr. E. E. Whitted, assisted by Mr. C. E. Spens, appeared as counsel for The Colorado & Southern Railway Company and The Chicago, Burlington & Quincy Railroad Company.

Messrs. Dorsey & Hodges appeared as counsel for The Union Pacific Railroad Company.

By agreement of all attorneys herein, together with the attorneys in case No. 23, it was agreed that the two cases, No. 22 and No. 23, would be heard together, and that the evidence adduced be considered by the Commission so far as it was appli-

cable in each case, the cases being closely allied with each other and most of the evidence being applicable in both cases.

PARTIES.

In the answer of defendants the authority of petitioner to bring such an action as the present one was attacked on the ground that it is not a party in interest; that the complaint in no way shows that it is injured by the rate sought to be reduced; or that it is either a shipper or consumer of coal; or that it has been authorized by any person, either shipper or consumer of coal, who has been injured by the present rates, to bring this action.

This Commission is aware of the provisions of section 3 of the Colorado Code of Civil Procedure which provides that "every action shall be prosecuted in the name of the real party in interest," etc. At first blush this contention may seem to be well founded. However, the articles of incorporation, introduced herein without objections, state the object of petitioner's association is for the purpose of gathering information upon the subjects of charges, rules and regulations relative to transportation by common carriers; of advancing the interests of the consumers of Colorado, obtaining redress for wrongs arising from unjust transportation charges, etc. "For instituting, prosecuting or defending, either in its own name, or in the name or behalf of any member or members of said Consumers' League, any action in any court or before any Commission."

One witness for petitioner testified that the bringing of this suit was authorized by the league; that the league had a membership composed of "ultimate consumers." Another witness testified that he is a consumer of coal from the Northern coal fields; that he was such consumer at the time of the bringing of this suit; that he is a member of the Consumers' League.

Another witness testified that he is a member and director of the Consumers' League; that he is a manufacturer, and has been a consumer of coal from the Northern coal fields since 1878; that he consumes annually about \$2,500.00 worth of coal.

Section 13 of the act by which this Commission was created and from which it receives its authority and powers provides:

"That any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization, complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act, or in contravention of any of the provisions thereof, may apply to said Commission by petition, which shall briefly state the facts," etc.

It seems from this section that it was the intention of the legislature creating this Commission that the right of action in matters brought before this Commission should not be limited to such strict interpretation as is placed on section 3 of the Code of Civil Procedure. Why should it be? If this were the case many meritorious acts might never be brought. It often happens that a business man hesitates to take any action which might result in injury to his business; yet, should the consumer suffer because a shipper or producer of coal would refuse to attack these rates?

The operator adds to the cost of producing this coal the freight, and then his profits; the dealer adds to the cost of his coal the freight, and then his profit; the consumer must pay the cost of producing, the profit of the operator and the dealer, together with the freight. Why, then, should not the consumer be a party in interest? He, of all others, is the party who pays the freight. We are inclined to believe that the members of the legislature, in thus providing as it did in section 13, had these things in mind, and that it was their intention that by the wording therein contained the consumer might have the right to bring an action of this nature.

Counsel for defendants seem to rely on *Dallas Freight Bureau vs. The Missouri, Kansas & Texas Railway Company*, No. 949, I. C. C., decided July 16, 1907. In this case the court, in dismissing the complaint, said:

"Traffic moves from interstate common points to destinations in the so-called common* point territory of the state of Texas under a system of rates that obtain from no other point of the United States of equal extent. The common point area embraces substantially all of the cultivated, settled portion of Texas.

"Its greatest width by rail is about 460 miles. From its northern limits this territory extends over 500 miles to its extreme southern point. In general, all points in this vast territory take the same class and commodity rate from any given point in the United States on or east of the Missouri or Mississippi rivers."

The Commission then, after describing how this vast territory was given a blanket rate on account of the rivalry between all-rail and water-way companies, says: "It follows from such condition of affairs that any controversy before the Commission that draws in question the reasonableness of rates from an interstate point to a particular common point, and results in an order requiring a change of rates to that point, must have a far-reaching effect."

Continuing, the Commission says: "The question then arises whether or not the testimony before us presents a sufficient basis for such action. No proof was offered of the right of the Dallas Freight Bureau to enter upon this contest on behalf of the municipality of Dallas. *But that omission is perhaps not to be regarded as of serious importance.*"

The court then comments on the fact that not a single merchant, manufacturer or jobber of Dallas appeared to testify in the case. That no person directly interested in the rates complained of came forward to demonstrate to the Commission why they ought to be reduced. That the only witness in support of the issues made by the complainant was its secretary; that the evidence of the secretary was confined largely to a comparison of the rates attacked with other rates in other parts of the country.

The court then says: "The case as presented rests upon such comparisons. We can not regard a record so made up as satisfactory. The complaint will, therefore, be dismissed, but without prejudice to any proceeding in the future involving these rates."

We give so much of the reasoning of the Commission in that case to be able more intelligently to compare that case with the case at hand. In that case the record rested practically on the testimony of the secretary of the association. In the case before us there was the evidence of the general sales agent of the Northern Coal and Coke Company, which was very full, dealing with the present rates in question, and their effect upon producers, dealers and consumers.

The Commission in that case, as we understand it, did not dismiss that action because the Dallas Freight Bureau was not authorized to bring the case; it was because of a lack of evidence of witnesses to sustain the complaint.

In the present case there was the evidence of Mr. Kindel, a manufacturer, consuming, as he testified, about \$2,500.00 worth of coal per year. There was also the testimony of different members of the Consumers' League that they were buyers and consumers of coal. We can readily see why the Commission, in the case referred to, did not feel inclined to make an order which might affect practically all of the territory within the boundaries of the state of Texas on the evidence of the secretary of the plaintiff alone.

Section 13 of our act provides who may bring an action; then follows the time specified for answering, how the complaint may be satisfied, etc., etc., being practically a code of procedure for this Commission in itself.

We are not aware of any case that has been dismissed by the Interstate Commerce Commission solely on the ground that a body such as this plaintiff had no authority to bring an action of this nature.

In the Southwestern Kansas Farmers' and Business Men's League vs. The Atchison, Topeka & Santa Fe Ry. Co., No. 1011 I. C. C., the complainant was a voluntary organization, composed of farmers and merchants along the Santa Fe Railway. In this case the court ordered a reduction of rates.

We believe it will be sufficient, in conclusion, to say that in *Dallas Freight Bureau vs. Gulf, Colorado & Santa Fe Railway Company*, wherein the plaintiff was the same as in Case No. 949, which defendants are relying on, and which we have just discussed, the Commission granted the prayer for relief of plaintiff and reduced the rates on coal into Dallas.

The Commission is of the opinion that the plaintiff is a proper party and has a right to bring this action.

JURISDICTION.

This Commission has heretofore held, and so holds now, that it has jurisdiction to hear and determine cases of the nature of the present one before the Commission. Before proceeding to take the testimony in this case Mr. Vogl, for petitioner, moved to strike all of section 5 of the answer of intervenors, for the reason that they are only before the Commission by its permission, and that by asking and obtaining authority to intervene they have submitted to the jurisdiction of the Commission, and have precluded themselves from objecting to the same. It is the opinion of the Commission that defendant can not make this law, under which this Commission is acting, constitutional by submitting to its jurisdiction. The Commission itself, if it thought that there was any question as to the constitutionality of this law, would be glad to have the question raised in the higher courts.

The motion will be denied.

FINDINGS OF FACTS.

The rate complained of is the rate on coal from the Louisville or the Northern coal field district to Denver, a distance of from twenty to twenty-five miles, according to the point from which the coal is shipped. The present rates for this haul are, on carloads: Lump coal, 80 cents; mine run, 70 cents, and slack, 60 cents.

It appears from the evidence that about 800,000 tons, produced annually in this Northern district, are shipped directly to Denver; and it also appears that about 70 per cent. of all the coal shipped into Denver comes from these Northern coal fields.

There is a blanket rate from all mines in this Northern district into Denver. This is explained that it is done for the reason that one mine will have no advantage in rates over others in the district. It also appears that in Boulder, Jefferson and Weld counties 1,834,344 tons of coal were produced in the year 1909. All of this amount finds its way to the different markets over the lines of the defendant and the intervenors' roads. It

also appears that during the last twenty years the production of coal from said counties has increased from 568,649 tons to the aforesaid amount. From the Canon City district into Denver the rate on coal has been reduced from \$3.00 per ton (1899) to \$1.60 per ton, the present rate on lump coal. From the Walsenburg district to Denver the rate has been reduced from \$3.00 to \$1.60, the present rate on lump coal. It seems that the present rate of 80 cents on lump coal herein attacked has been in existence since 1889.

Comparison was made between the present rate in question and the rates from Trinidad, Walsenburg, Canon City, Pikeview and to Greeley; also with rates on a haul of similar distances in other states, which is set out in the table below, marked Petitioner's Exhibit H; also with rates established by legislatures, commissions and courts, set forth in a table below, the same being for 20 and 25-mile hauls:

(Copy)

PETITIONER'S EXHIBIT D.

Case No. 22.

Schedule of maximum rates of charge for coal in the following states, which are results of legislative enactments or of Railroad Commission orders:

	Twenty-five Miles.		Twenty Miles.	
	Other Than Slack.	Slack.	Other Than Slack.	Slack.
North Carolina..	\$1.00	\$1.00	\$.80	\$.80
Georgia .....	.58 $\frac{1}{2}$ -.65	.58 $\frac{1}{2}$ -.65	.54-.60	.54-.60
*Arkansas .....	.65	.65	.65	.65
Minnesota .....	.54	.54	.52	.52
Kansas .....	.55	.55	.50	.50
Illinois .....	.54	.54	.50	.50
South Carolina..	.50	.50	.43	.43
Missouri .....	.50	.50	.40	.40
Iowa .....	.46	.37	.42	.34
Texas .....	.55	.55	.55	.55
Texas lignite.....	.32	.32	.32	.32
†North Dakota....	.38	.38	.37	.37
Oklahoma .....	.35	.30	.30	.25

*Commission rates were originally 50. Federal court ordered raised to 65.

†Sustained by North Dakota Supreme Court.

(Copy.)

PETITIONER'S EXHIBIT H.

Case No. 22.

Comparison of lump coal rates from Canon City, Walsenburg and Trinidad districts to Denver, with maximum distance tariff rates issued under direction of legislatures and Commissions of other states for similar distance, short-line distances being used.

	Canon City. A., T. & S. F. D. & R. G. and C. & S. 158 Miles.	Walsenburg. 175 Miles	Trinidad. D. & R. G. 210 Miles.
Rates in effect.....	\$1.60		
Maximum rates in other states:		\$1.60	\$1.85
Texas	1.20	1.30	1.45
Illinois	1.02	1.05	1.11
			Class A
South Carolina.....	1.08	1.15	Class B, 5% higher
Minnesota .....	.98	1.05	1.26
Oklahoma	1.20	1.30	1.19
North Dakota .....	.80	.86	1.45
Iowa .....	.92	.965	.97
			Class A
Georgia	1.36-1.44	1.54-1.62	Class B, 15% higher
Missouri	1.30	1.35	1.06
Kansas	1.35	1.40	1.795-1.89
Nebraska	1.326	1.428	1.50
			1.60
			1.572

The introduction of exhibits showing rates outside of the State was objected to by defendants, on the ground that conditions under which the hauls were made are not shown.

The Commission admitted them at the time, with the statement that it would rule on their competency later, or before the decision by the Commission. In following the general rule that the reasonableness of a rate, or that it is discriminatory, can not be proved by simply comparing it with another, these tables on rates outside of this State can be of little benefit to the Commission, except in the fact that the rates therein given are maximum rates, established by law, in the different states. That they are the highest that may be charged, and include rates on the most expensive roads in operation, requiring the largest capital, and doing from the largest to the smallest amount of business.

The reason for the rule is that before an intelligent conclusion of the reasonableness of a rate, or whether or not it is discriminatory, can be arrived at, the conditions under which the haul is made must be known; capital stock, cost of maintenance, expenses of operation and amount of traffic must be shown, and be compared along with distances. As before stated, these are maximum rates that prevail on roads doing business under the most unfavorable circumstances and conditions. While these comparisons afford the Commission some information as to what would be a reasonable remuneration for similar hauls, there are other facts in this case which are more controlling to the minds of this Commission in deciding whether the present rate is unreasonable or discriminatory.

The rate from Walsenburg and from Canon City of \$1.60 per ton, a haul of from 175 and 158 miles, respectively, is less than one cent per ton per mile on the former, and about one cent on the latter. From Trinidad to Denver, a distance of 210 miles, the rate is less than one cent per ton per mile. From Louisville into Greeley, a distance of 67 miles, the rate is less than two cents per ton per mile. From Pikeview to Denver, a distance of 61 miles, the rate of 90 cents per ton is one and one-half cents per ton per mile. From Louisville, or the Northern district, an average of 25 miles, the rate of 80 cents per ton would be a little over three cents per ton per mile. This is the rate in question.

It will readily be seen that there is a great disproportion between the rate in question and any of the other above named rates.

The question then arises, can this disproportion be justified by any reasonable explanation outside of an arbitrary fixing of rates? The cost of a haul should undoubtedly be taken into consideration, but is there any extra expense per ton per mile? It is in evidence that the haul from Louisville to Denver is a practically level haul, and it is not shown that there are

any other causes increasing the cost of the haul over the cost from other points within this State, as compared with this haul. In the haul from the Southern fields there is a grade of considerable proportion to the top of the Divide at Palmer Lake, being something like 2,000 feet of elevation over which the traffic must be hauled, and down again into the city of Denver.

The Colorado & Southern Railway Company, being the only defendant herein whose line reaches the Northern coal fields, and at the same time with another branch reaching the Southern fields, is in a peculiar position of charging its patrons in the north for a practically level haul something more than three cents per ton per mile, and at the same time in the south charging less than one cent per ton per mile.

It is contended by defendants that the burden of proof is on petitioners to show there is no greater cost of operation, and no other reason why the tariff in question should be higher than the other rates with which it is compared, following the rule of the burden of proof in civil cases.

In the opinion of the Commission, while it may be, as it is ably said in *Dallas Freight Bureau vs. M., K. & T. Ry. Co. et al.*, I. C. C., 949, that "Ordinarily, complainants must either prove the issues that they raise by competent testimony, or make out a prima facie case sufficiently clear and strong as to require the Commission in the public interest to enter upon an investigation of its own to ascertain the merits of the complaint." However, in this case, The Colorado & Southern Railway Company has different branches, one running into each district, the Northern and the Southern, and this question was considered by the Interstate Commerce Commission in a case based on similar facts, as is shown here. The Commission therein says:

"The question was considered by the Interstate Commerce Commission in connection with the rates for the carriage of shingles from Ft. Fairfield and Frederickton, respectively, to Boston. The two places in question were situated on different branches of the same railroad. Mr. Commissioner Veazy said: 'A departure from equal mileage rates on different branches or divisions of a road is not conclusive that such rates are unlawful, but the burden is on the company making such departure to show its rates are reasonable when disputed.' * * *"

Beale & Wyman on R. R. Rate Regulations, sections 8, 47.

It was strongly contended by defendants that the burden of proof was on the petitioners; that they had not sufficiently offered proof of investments, expenses, and other matters, showing cost of service, to sufficiently enlighten the Commission as to a fair comparison of the rates complained of with other rates.

These matters were particularly within the knowledge of the defendants, and if defendants believed that there was evidence

that was essential to the correct determination and a clear understanding of the reasonableness of this rate, this information being readily accessible to them, they should have presented it.

Witnesses were introduced to show that there was a charge of 25 cents per ton in the Denver yards on the haul from Louisville to Denver, and that this charge was absorbed by the road originating the traffic, necessarily reducing the net profit per ton. The general freight agent of the Denver & Rio Grande Railroad testified that from 20 to 25 cents per ton was a very reasonable charge. One witness for petitioner testified that he had been in active management of the Denver & Rio Grande Railroad and of the Rio Grande Western from 1884 to 1901; that \$2.00 per car would be a very reasonable switching charge; that 40 cents per ton would be a reasonable rate on a haul of the character in question; that he took into consideration cost of investment, the character of the same, expense of operation, interest charge, wages, etc.

The general freight agent of the Chicago, Burlington & Quincy Railroad testified that after the switching charges were absorbed his road averaged only 64 cents per ton for this haul for the year 1908, and 56 cents for 1909.

The freight traffic manager of the Union Pacific Railroad at Omaha testified that the rates for switching at the present time in Chicago were \$2.00 per car, minimum charge.

The record in this case covers 177 pages of typewritten matter, about five days being consumed in taking the evidence. The Commission, realizing the importance of questions involved herein, has gone into this matter very fully, and, after due consideration, the Commission is of the opinion that the present rate of 80 cents per ton on lump coal from Louisville to Denver is too high.

In Northern Coal & Coke Co. vs. Colorado & Southern Railway Company, I. C. C., No. 959, the rate between these same points was attacked, the Commission saying: "The local rate of 80 cents per net ton on lignite coal from Louisville to Denver, as applied on through traffic to the Rock Island points referred to, is unjust and unreasonable."

Defendants admitted that the rate was too high, and offered to publish a proportional rate of 50 cents per ton on through traffic. The Commission said that was still too high, and ordered the same reduced to 40 cents per ton for that portion of the haul, but left the same to be apportioned among the different roads as they deemed proper.

This Commission is of the opinion that 55 cents would be a reasonable and a remunerative rate for said service in question.

Upon the foregoing findings of fact:

ORDER.

It is ordered that the defendants and intervenors, The Colorado & Southern Railway Company, The Chicago, Burlington & Quincy Railroad Company and The Union Pacific Railroad Company, be and they are hereby severally notified to cease and desist on or before the 10th day of May, 1910, and during a period of two years thereafter, abstain from charging, demanding, collecting or receiving for the transportation of lump, mine run or slack coal from mines on defendants' and intervenors' lines, in and around Louisville, Lafayette, Marshall, Erie, and the Dacono, Frederick district, in the counties of Boulder and Weld, and in what is known as the Northern Colorado Coal Fields, to Denver, in the State of Colorado, their present rates of 80 cents per ton on lump coal, car load, and of 70 cents per ton on mine run, car load, and 60 cents per ton on slack, car load; and to publish and charge on or before the 10th day of May, 1910, and during a period of at least two years thereafter collect and receive, from said mines to Denver, and for the transportation of lump coal from said mines to Denver, a rate not exceeding 55 cents per ton, car load, and on mine run coal a rate not exceeding 50 cents per ton, car load, and on slack coal a rate not exceeding 45 cents per ton, car load, and said defendants are hereby authorized to make said rates effective upon three days' notice to the public and to the Commission.

By order of the Commission:

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver, Colorado, this 4th day of April, 1910.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 23.

THE CONSUMERS' LEAGUE OF COLORADO, A CORPORATION,
PETITIONER,

vs.

THE COLORADO & SOUTHERN RAILWAY COMPANY,
THE DENVER & RIO GRANDE RAILROAD COMPANY, AND
THE ATCHISON, TOPEKA & SANTA FE RAILWAY
COMPANY, RESPONDENTS.

Submitted March 23, 1910.

Decided April 4, 1910.

FINDINGS AND ORDER OF THE COMMISSION.

On December 6, 1909, the petitioner filed its petition herein, in which it alleges that petitioner is a corporation, etc.; that the several defendants are engaged in the transportation of freight wholly by railroad within the State of Colorado; that said defendants charge and collect on a shipment of coal from Louisville, Colorado, to Littleton, as follows: On lump coal, \$1.80 per ton; on mine run, \$1.70 per ton, and on slack, \$1.60 per ton. That said rates charged and collected are unjust, unreasonable and exorbitant; that the following rates would be reasonable and just: Lump coal, 70 cents per ton; mine run coal, 65 cents per ton, and slack coal, 60 cents per ton. That an order be entered by the Commission fixing just and reasonable rates as maximum rates to be collected.

On December 24, 1909, and December 27, 1909, the defendants, respectively, filed their answers; the Denver & Rio Grande Railroad Company alleging that the State Railroad Commission of Colorado has no authority in law to require defendant to answer or to comply with any order herein or otherwise; that the act under which this Commission is acting is unconstitutional. It admits that it is a common carrier; alleges that it charges for the transportation of coal in car load lots \$1.00 per ton, Denver to Littleton, whether originating in Louisville or elsewhere; de-

nies that the rate so charged is either unjust, unreasonable or exorbitant; denies the right of petitioner to complain in the manner set forth in said petition, or otherwise; denies that said petitioner has legal capacity to file said petition, and asks that the complaint be dismissed.

The separate answers of The Colorado & Southern Railway Company and The Atchison, Topeka & Santa Fe Railway Company allege that petitioners are not proper parties and have no authority to bring this action, and in all other matters the said answers are practically the same as that of The Denver & Rio Grande Railroad Company.

The hearing was had in this case March 7, 1910. Mr. Albert L. Vogl and Mr. Robert Given appeared for petitioner; Mr. E. E. Whitted for The Colorado & Southern Railway Company; Mr. E. N. Clark for The Denver & Rio Grande Railroad Company; Mr. G. A. H. Fraser for The Atchison, Topeka & Santa Fe Railway Company.

By agreement of counsel this case was heard with Case No. 22.

PARTIES.

The question raised by the answer of defendants herein as to the right of petitioner to bring this action has been fully discussed and disposed of by the Commission in Case No. 22.

JURISDICTION.

This Commission holds now, as it has heretofore held, that it has jurisdiction to hear and determine cases of the nature of the present one before the Commission.

FINDINGS OF FACT.

We shall now consider the merits of this case. The rate complained of is the rate on coal from Louisville or the Northern Colorado coal fields to Denver, a distance of something over twenty miles. The present rate attacked is the rate of 80 cents from Louisville to Denver, and then \$1.00 from Denver to Littleton. The same witnesses appeared in this case as were heard in Case No. 22, the two cases being tried together. The Commission in Case No. 22 has already made an order reducing the rate between the Northern coal district and Denver from 80 cents to 55 cents on lump coal, and from 70 cents to 50 cents on mine run coal, and from 60 cents to 45 cents on slack coal.

It is, therefore, unnecessary for the Commission to discuss the rate on that portion of the haul.

We shall now consider what would be a reasonable rate between Denver and Littleton. Comparison of this rate with the rates from Trinidad, Walsenburg and Canon City districts into Denver, also from Pikeview into Denver, and from Denver to Greeley, were made, with results as seen in decision in Case No. 22. It, therefore, will appear that for those hauls the rates in no instances exceeded 2 cents per ton per mile. In the present rate under consideration of \$1.00 for a haul between Denver and Littleton, a distance of ten miles, the charge would be 10 cents per ton per mile. This disproportion of rates must readily be seen.

Let us see from the evidence whether there can be any justification in this great disproportion.

In the haul between the Louisville district and Littleton The Colorado & Southern Railway is the only direct line connecting these points. The Chicago, Burlington & Quincy and the Union Pacific run from the Northern fields to Denver, but do not run south of Denver. The Denver & Rio Grande and the Santa Fe run from Littleton to Denver, but do not run north of Denver to the Northern district. Except in the instance of the Colorado & Southern Railway, then, the haul must necessarily be a two-line haul, necessitating two crews, besides a switching crew, to operate between said Northern fields and Littleton. It is reasonable that the rate should be such as to be remunerative to the most expensive haul between these points.

In the testimony of the general freight agent of the Denver & Rio Grande Railroad, in answer to attorney for said defendant line, he gave his views of what the necessary labor and expense attached to the haul between Denver and Littleton would be. He said: "There is absolutely no foundation for the statement that there is an agreement between the lines running north and south of Denver in regard to existing rates." That he was familiar with and participated in making the rates for the Denver and Rio Grande Railroad. That he was entirely familiar with the operation of the roads between the Northern district and Denver, as well as between Denver and Littleton. "There is the empty car movement from Denver to the mines north, which would make a detention of twenty-four hours; the following day is consumed for loading, the third day hauling into the city; at least one-half day consumed in getting the Denver & Rio Grande transfer from the line bringing the car into Denver. The car would be in our yards over night, and get out of Denver on one of the local trains early the following morning, and taken thence to Littleton, and there set on the sidetrack. Then the engine to loose the car for consignee to unload. The consignee generally takes all of the time permitted under our service rules to unload, which is forty-eight hours, beginning with seven o'clock

the morning following its being set out on the side track. Then there would in all probability be an empty movement on the return of the car to Denver; the engine would have to go back to that side track out there, take the empty car and proceed with it to our yards. * * * That car would be gone all of a week before it was returned. * * * Then the per diem on foreign cars. The line bringing in the car would set it on our transfer, and it would then be taken by the switch engine and put into the regular Southern trains; * * * there would be no further service than the switching of it in our Denver yards. * * * That the switching charge of 20 to 25 cents per ton is a reasonable charge. * * * That the operating department tells me that the switching charge does not pay the cost of the service." That instead of maintaining expensive terminals, they would rather pay other roads having switching terminals the present switching charges. "The haul from the Northern field to Littleton is really a two-line haul, always involving a switching service and transfer from one line to another."

The evidence of other witnesses for defendants was along the same line.

A witness for petitioner, whose experience, as stated, in the management of railroads was from 1884 to 1901, stated that he thought that the switching charges in the Denver yards now existing were very high. He said "that a six cents per ton would be a reasonable switching charge," and that he thought 40 cents per ton from Denver to Littleton would be a reasonable rate.

In petitioner's Exhibit C, given below, switching charges, as established in the different states, on a 30-ton car the charges would run from 5 to 15 cents per ton, with the exception of one state, South Carolina, the charge there being a little over three (3) cents; these on distances ranging from one to five miles. The average would be about 10 cents per ton. It is but reasonable to assume, considering the wide divergence of opinions of witnesses on each side, that as to these switching charges the witnesses have selected instances most favorable to themselves. It seems quite clear, though, that the haul requires switching twice, besides the movement of empty cars into Denver if the empty haul is required.

Case No. 23.

PETITIONER'S EXHIBIT C.

State.	Distance.	Charges for Switching.
Georgia	3	\$2.00
Illinois	3	2.50
Illinois	5	3.00
Chicago	5	4.00
South Carolina.....	Any	1.00
Iowa .....	...	No
North Dakota.....	Any	2.50
Minnesota	Any	No
Missouri	Commission has no power to fix switching rates.	
Kansas	Rates in Kansas district tariff do not include switching.	
Texas	Any, on competitive business. No	
Texas	1 and less on competitive busi- ness	1.50
Texas	2 and more than 1 on competi- tive business	2.00
Texas	Over 2 on competitive busi- ness	2.50
Oklahoma .....	....	No

This Commission can not but admire the frankness with which the general freight agent and the general traffic manager of the Denver & Rio Grande Railroad treated the question of the charge from Denver to Littleton in their testimony. They said: "We feel that this rate is a fair one, and we are compelled to maintain that rate, because we feel it our duty to protect mines located along our road. All roads do the same, and, as our road does not run into the Northern fields, and all of our mines are situated in another direction, we feel that the property along our line should be protected, and that the coal produced in these Southern fields should find a market, and it is a fair presumption that the Denver & Rio Grande should extend its protection as far as possible; and we feel that any action on our part to break down the present rates would be unfair to ourselves and the properties located in Trinidad, Canon City and Colorado Springs districts." * * * "As our general freight agent testified, from time to time the rates from the Southern fields have been reduced, to enable the people of this city to obtain coal, which they claimed was necessary in the pursuit of their various manufacturing business. If there is any further disturbance of rates it will go disastrously with the Denver & Rio Grande, as well as with the people casting their fortunes with us. That any

further reduction of the existing rates would have the effect of disorganizing coal rates all over the state."

They also said: "If any change is made between Denver and Littleton it will practically put the Southern fields out of business. If the Northern fields have as good success in selling coal in Littleton as they have in Denver it will soon freeze out the Southern fields. The Littleton trade does not amount to much, but we believe what there is of it belongs to our road. I can see no objection in making this statement."

We believe these to be remarkably frank statements, and we believe that, from a business standpoint, as far as the railroad and coal operators are concerned, the logic is good. We are fully aware of the honest purpose of the heads of departments of railroads to maintain and build up their own business by building up the business of the producers along their line, and at the same time producing a dividend for stockholders in the roads by which they are employed. There is no rate attacked in this case except the rate from Louisville to Littleton, yet these men tell us that any further adjustment of these rates will not only affect the rate in question, but all the Southern rates on coal, practically putting the Southern fields out of business, so far as their sales in Denver and some distance south are concerned.

We believe that this body is more or less administrative, and that we have a right, in making a decision, to take into consideration the natural consequences of our acts; yet there are bounds or limitations beyond which this Commission can not go.

We are constrained to believe that, by comparison of the \$1.00 rate from Denver to Littleton with other rates in evidence herein, that this rate is too high, and is discriminatory, even after making allowances for switching two times, the extra cost of handling traffic of this nature, including costly terminals, extra crews, and all other elements that have been shown to enter into and increase the expense of a haul of this nature. How far a Commission can go in the way of artificially equalizing commercial advantages between localities of unequal natural advantages is well considered in Beale & Wyman on Rate Regulations, section 843. It is therein said: "It has sometimes been urged that a carrier should so arrange its rates as to bring about some desirable commercial results, either by equalizing commercial advantages between localities or otherwise affecting natural conditions. But this theory is dangerous. The carrier's rates may seldom be regulated with this end in view. As was said in *Brewer vs. Central of Georgia Railway*: Shall the government undertake the impossible, but injurious, task of making the commercial advantages of one place equal those of another? It might just as well undertake to equalize the intellectual powers of the people.

"There should be no attempt to deprive a community of its natural advantages or those legitimate rewards that flow from large investments, business industries and competing systems of transportation to facilitate and increase commerce."

This view has constantly been held and enforced by the Interstate Commerce Commission, as well as by the courts.

"It is not the duty of carriers, nor is it proper, that they undertake, by the adjustment of rates, to impair or neutralize the natural commercial advantages resulting from location or other favorable conditions of one territory in order to put another territory on an equal footing with it in a common market."

We are impelled to the belief that the present rate from Denver to Littleton is unreasonable and discriminatory. We reach this conclusion after due consideration of all the elements in this case, and it is our duty to so declare. We believe, though, that the rate of 40 cents per ton, as testified to by witnesses for petitioner as being a fair rate, is not enough. This haul, in our opinion, requires an unusual amount of expense for a haul of this distance. We believe that there is nearly as much expense attached to this haul, though it be only ten (10) miles, as is attached to the haul from Louisville to Denver, a distance of twenty miles. After a train is made up it requires but little more expense to haul it twenty miles than ten. We believe, also, that there should be some allowance made for switching and terminal expenses, and that a rate of 50 cents would be a fair rate to the shipper and a remunerative rate to the carrier.

UPON THE FOREGOING FINDINGS OF FACT

It is ordered that the defendants, The Colorado & Southern Railway Company, The Denver & Rio Grande Railroad Company and The Atchison, Topeka & Santa Fe Railway Company, be, and they severally are, notified and required to cease and desist, on or before the 10th day of May, 1910, and during a period of at least two years thereafter, abstain from charging, demanding, collecting or receiving for the transportation of coal from the city of Denver, Colorado, to the city of Littleton, Colorado, their present rate of \$1.00 per ton; that they publish and charge, on or before the 10th day of May, 1910, and during a period of two years thereafter, at least, collect and receive for the transportation of lump coal, Denver to Littleton, in the State aforesaid, a rate not exceeding 50 cents per ton; on mine run not exceeding 45 cents per ton, and on slack not exceeding 40 cents per ton, C. L.; that said defendants are hereby authorized to make said

rates effective upon three days' notice to the public and the Commission.

By order of the Commission:

AARON P. ANDERSON,
WORTH L. SEELY,
DANIEL H. STALEY,
Commissioners.

Dated at Denver, Colorado, 4th day of April, 1910.

BEFORE THE

STATE RAILROAD COMMISSION OF COLORADO.

Case No. 24.

D. K. STERNBERG, ET AL., PETITIONERS,

VS.

THE DENVER & INTERURBAN RAILROAD COMPANY,
RESPONDENT.

Submitted February 7, 1910.

Decided March 1, 1910.

FINDINGS AND ORDER OF THE COMMISSION.

On December 17, 1909, petitioners herein filed their complaint, in which they alleged, among other things, that said petitioners now live and for a long time past have lived near the station of Allison, in Boulder county, State of Colorado, on the line of said defendant's railroad; that petitioners, together with many other persons, to wit, about 125, have used said station of Allison at which to take the cars of said defendant company for the purpose of going to their different offices or places of business in the city of Boulder and the city of Denver, Colorado; that the defendant company is a common carrier transporting passengers and property by railroad between said cities of Denver and Boulder, in the State of Colorado, and that until recently the said defendant, The Denver and Interurban Railroad Company, maintained a station at Allison, which is situated three

miles east from its Boulder terminus and about one mile west from its station at Culbertson. That within a month or six weeks just prior to the filing of said complaint, the defendant company discontinued the use of said Allison station, and refused and still refuses to stop its cars at said station for the accommodation of the petitioners and other patrons, to the great inconvenience of the petitioners and other persons and residents of that locality; that petitioners, together with about one hundred (100) other patrons of said railroad, signed and forwarded a written petition to the officials of said Denver and Interurban Railroad Company that it stop its trains at said Allison station as it heretofore had done, but it refused so to do.

The petitioners herein ask for an order from this Commission commanding the defendant to stop its cars and trains at said Allison station.

On January 7, 1910, the defendant company filed its answer to said petition, wherein it admitted it was a common carrier engaged in the transportation of passengers and property by electric railroad between the cities of Denver and Boulder, in the State of Colorado; it also admitted that until recently it had maintained a station on its line known as Allison, three (3) miles east from its Boulder terminus; but denied that said Allison station is one mile west from its station at Culbertson, and alleging that more people would be accommodated at Culbertson than at Allison.

A formal hearing of this case was had on February 7, 1910, Mr. James H. Teller appearing as attorney for said petitioners, and Mr. R. H. Widdicombe for said defendant company.

Before the commencement of the hearing Mr. Widdicombe made a verbal motion to dismiss, on the grounds that there is nothing in the act authorizing the Commission to take jurisdiction and make any finding or order as to the establishment and maintenance of stations on roads carrying passengers only.

The Commission, after hearing the argument on this motion, ruled that it would proceed with the hearing and that it would take the motion under advisement, deciding the question of jurisdiction at the time it decided on the merits of the case, and the defendant was given ten days to file a brief and the petitioners five days thereafter to file a reply brief on the question of jurisdiction.

JURISDICTION.

The Commission has heretofore held, and so holds now, that it has jurisdiction under the act to regulate common carriers in this State, to hear and determine questions pertaining to increased facilities, road-bed, rolling stock, stations, depot yards, etc., the jurisdiction in this instance, however, being attacked on the ground that section 28 of the act, which confers this

jurisdiction. pertains only to such roads as carry freight, and does not apply to roads doing a passenger traffic only.

To one casually reading said section 28, this might appear to be the correct interpretation of the law, yet it is almost unthinkable that it was the intention of the legislature to clothe this Commission with authority over common carriers hauling and handling property only, and not over those hauling and transporting passengers, of which latter class the defendant claims to be, although, in its answer filed herein, it admits that it is a "common carrier engaged in the transportation of passengers and property by electric railroad, etc., etc." Yet, at the hearing, the defendant company, to sustain its motion to dismiss for want of jurisdiction, offers evidence to show that it does not carry property, but is engaged in a passenger service only—and this without offering to amend its pleadings.

However, we shall discuss this case from the standpoint that, as defendant alleges, *it carries passengers only*.

The title of the act reads:

"An act to regulate common carriers in this State, to create a State Railroad Commission, to prescribe and define its duties, to prevent unjust discrimination, to insure an adequate railway service, and to exercise a general supervision over the conduct and operation of common carriers."

Section 1 provides that the "provisions of this act shall apply to common carriers and to any corporation or person or persons engaged in the transportation of passengers, etc. * * *"

Section 2 provides that "the term 'Railroad' as used in this act shall include all switches, spurs, tracks and terminal facilities of every kind used or necessary in the transportation of persons or property designated herein; and also all freight depots, yards and grounds used or necessary in the transportation of persons, etc. * * * It shall be the duty of every common carrier, subject to the provisions of this act, to provide and furnish such transportation upon reasonable request therefor."

"Section 12. The Commission hereby created shall have authority to *inquire into the management* of the business of all common carriers subject to the provisions of this act, etc., etc. * * * And the Commission is hereby authorized and required to execute and enforce the provisions of this act."

"Section 13. That any person, firm, corporation or association, or any mercantile, agricultural or manufacturing society, or any body politic or municipal organization complaining of anything done or omitted to be done by any common carrier subject to the provisions of this act, or in contravention of any of the provisions thereof, may apply to said Commission by petition which shall briefly state the facts, etc., etc. * * *"

We are, therefore, constrained to believe that in enacting the statute before us the legislature meant to accomplish a ra-

tional purpose, and we are endeavoring to interpret that purpose, and to effectuate the same, and where the uncertainties as to the meaning of a particular section exists, the whole act in which it is found should be considered, all together.

The object to be accomplished, or the mischief to be remedied or guarded against, may be considered in construing doubtful statutes.

Edwards vs. D. & R. G. R. R. Co., 13 Colo., 59, 62, 63.

At the time of the enactment of the present statute there were few, if any, railroads within this State doing a strictly passenger service, and it is hard to believe that the legislature intended to exempt this particular class of road from the operation of the statute, as, in the instance of the defendant The Denver and Interurban Railroad, although it may not maintain freight depots and agents, yet it does not deny that it carries property when in the custody of its passengers.

The Commission, therefore, decides that it has and does take jurisdiction of the case.

FINDINGS.

We shall now consider the merits of the case.

There were seven witnesses sworn and who testified for the petitioners, and three for the defendant.

Mr. D. K. Sternberg testified that he lived about one and one-half miles from Culbertson and about three-quarters of a mile from Allison; that there are about 300 people living in the neighborhood of Allison, and that the stations of Allison and Culbertson are about twenty rods less than a mile apart.

Mr. Israel Stultz testified that according to his count there are about 126 people who patronize the defendant's road who live nearer Allison than Culbertson, and that there were very few people living in the vicinity of Culbertson, while about fifty (50) people would have to go about three miles to get to Culbertson who live within one-half mile of Allison.

The testimony of other witnesses for petitioners was along the same line as that above quoted.

It was also adduced from the testimony that there were no buildings or depot at either Culbertson or Allison stations, a sign board only indicating the point where the cars would stop on flag to take on passengers, or to let them off, and that there were no physical reasons why cars could not stop as easily at Allison as at Culbertson.

Mr. Fisher, the general passenger agent of the defendant company, testified that it cost more money to stop the cars at Allison than the company was receiving for the service; that there were eight (8) trains daily each way over the defendant's railroad, and that he, Mr. Fisher, believed more people would

be accommodated at Culbertson than at Allison, but that he had not personally investigated the matter.

Mr. S. S. Morris, division superintendent of the said defendant, The Denver and Interurban Railroad Company, testified that the distance between Globeville and Boulder is twenty-nine and one-half ($29\frac{1}{2}$) miles; that between said points there are thirty-five stops or stations, including flag stations, and the average stop for each trip of a given train is about twenty (20), and that there are only four regular or registered stops.

Mr. Morris also testified that no freight or express was billed out, that it was a passenger service only; he admitted, however, that passengers are allowed to carry parcels of property on the trains with them.

From all the evidence and testimony herein, the Commission is of the opinion that the defendant should stop at least certain of its cars or trains of cars at the station known as Allison, for the accommodation of the people and residents of that vicinity.

Accepting the evidence as an established fact that the defendant company does not receive at this particular station of Allison as much as it costs to stop its cars there, yet, in our opinion, this of itself is not sufficient to justify the defendant in discontinuing said station, as the profit or loss of the whole line, together with the accommodation of the traveling public, ought also be taken into consideration. Some stations may pay many times as much as others, and it may be necessary to operate parts of the road at less profit than others, in order to accommodate the public along its entire line.

It is not the desire or the intention of this Commission to impose any unnecessary burden on the defendant company, but out of the eight trains running each way each day it seems to us that it is not unreasonable that four (4) trains at least each way daily stop at the station hereinbefore referred to as Allison.

ORDER.

It is therefore ordered by the Commission that The Denver and Interurban Railroad Company do stop its north bound trains Nos. 305, 309, 321 and 325, as designated in its time table No. 23, at Allison to let passengers off and on when flagged or signalled to take on passengers.

And it is further ordered that south bound trains Nos. 302, 304, 320 and 324, as designated in the same time table, do stop at Allison to let passengers off and when flagged or signalled to take on passengers.

And it is further ordered that should the time or the numbers of the above mentioned trains be changed by the issuance of any other time table, then and in that case the four trains each way daily nearest corresponding to the time of the above mentioned trains, shall stop at the said station of Allison.

This order shall go into effect and be and remain in force on and after the second day of April, 1910.

By order of the Commission :

AARON P. ANDERSON, President.
WORTH L. SEELY, Secretary.

Dated at Denver, Colo., the 1st day of March, A. D. 1910.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 25.

THE COLORADO COAL TRAFFIC ASSOCIATION, PETITIONER,

VS.

THE COLORADO & SOUTHERN RAILWAY COMPANY,
THE DENVER & RIO GRANDE RAILROAD COMPANY, AND
THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY, RESPONDENTS.

Submitted March 29, 1910.

Dismissed May 2, 1910.

FINDINGS AND ORDER OF THE COMMISSION.

Petition for joint through rates on coal from Walsenburg District to points on The Atchison, Topeka & Santa Fe Railway.

On reading and filing the motion of said petitioner, The Colorado Coal Traffic Association, for an order of dismissal herein,

It is ordered by the Commission that the above entitled cause be and it is hereby dismissed, without prejudice to the

right of said petitioner to bring any future action before this Commission.

By order of the Commission:

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver, Colorado, this 2d day of May, A. D. 1910.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 26.

JOHN J. SERRY, PETITIONER.

VS.

THE ATCHISON, TOPEKA & SANTA FE RAILWAY COM-
PANY, DEFENDANT.

Submitted April 25, 1910.

Dismissed June 20, 1910.

FINDINGS AND ORDER OF THE COMMISSION.

Alleged overcharge on railroad ties, Canon City, Colorado, to Pueblo, Colorado.

This cause coming on for consideration this day, and it appearing to the Commission that a settlement has been reached between the parties hereto, and the Commission having received a written statement from the said petitioner informing it of a settlement and authorizing it to dismiss the petition herein,

It is hereby ordered by the Commission that the said petition be and the same is hereby dismissed.

By order of the Commission:

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver, this 20th day of June, 1910.

BEFORE THE
STATE RAILROAD COMMISSION OF COLORADO.

Case No. 27.

CITIZENS OF HOLYOKE, COLORADO, W. D. KELSEY, ET
AL., PETITIONER,
VS.
CHICAGO, BURLINGTON & QUINCY RAILROAD COM-
PANY, RESPONDENT.

Submitted June 10, 1910. Referred to Plaintiff June 21, 1910.

Inadequate facilities at Holyoke, Colorado.

On June 10, 1910, the citizens of Holyoke, Colorado, W. D. Kelsey, et al., filed their petition against the C., B. & Q. R. R., alleging inadequate facilities at the town of Holyoke in delay of a shipment of a car of gasoline from Sterling. The matter was referred to the C., B. & Q. R. R., and their answer called attention to the fact that the car was in bad order when received, and owing to a rule of the company, gasoline could only be shipped on Thursdays, car could not be repaired in time for the first Thursday, so it necessitated waiting another week. The matter was settled without hearing, the Railroad Company's answer evidently explained the situation to their satisfaction, as nothing further was heard from the citizens of Holyoke.

PART III.

PETITIONS AND INFORMAL COMPLAINTS

INFORMAL COMPLAINTS.

1.

L. Sayetta vs. Lehigh Valley R. R. Co. November 25, 1908, before this Commission went into office, L. Sayetta, of Denver, filed a petition for overcharge on a shipment of household goods from Flemington, N. J., to Denver, amounting to \$15.54. Shipment was interstate, but the Commission took the matter up with the claim agent of the Lehigh Valley R. R. Co., and January 15, 1909, secured refund of overcharge.

2.

W. H. Lilley, Jefferson, Colo., vs. C. & S. Ry. Co. January 22, 1909, W. H. Lilley filed complaint for car shortage at Jefferson, Colorado, for loading hay. The Commission wrote him for more specific information, and on January 27 received word that the shortage had been supplied.

3.

Rapson Coal Mining Company vs. C., R. I. & P. Ry. Co. January 28, 1909, the Rapson Coal Mining Company shipped over the C., R. I. & P. Ry. Co. from Minnequa to Roswell, Colorado, a certain shipment of rails and fastenings. Agent collected 12 cents per cwt. through error. Two competing lines had rate of \$1.50 per gross ton for same commodity from the same territory. May 1, 1909, the Rock Island Company made effective a like rate. Authority granted to protect the \$1.50 per ton rate and refund to the Rapson Coal Mining Company the sum of \$23.29, the amount of overpayment.

4.

U. McLean vs. C., R. & S. J. Ry. Co. March 24, 1909, U. McLean filed complaint against the C., R. & S. J. Ry. Co. for charging \$1.40 per ton for hauling coal a distance of ten miles. He was asked to file a regular petition and the matter would be taken up with the Railway Company. Nothing further was heard from him.

5.

W. N. Pierce, Galatea, Colorado, vs. C., G. W. & Mo. Pac. Rys. June 22, 1909, W. N. Pierce, of Galatea, Colorado, filed complaint of an overcharge on a car of emigrant movables from Marshalltown, Iowa, to Galatea, Colorado. The matter was taken up with the General Freight Agent of the C., G. W. Ry. Co., who promised to investigate at once and make proper adjustment if any overcharge had been made. This was an interstate ship-

ment and party was so advised, but the Commission endeavored to aid him by bringing the matter before the proper officials.

6.

M. E. Stratton, Atwood, Colorado, vs. U. P. R. R. Co. June 31, 1909, M. E. Stratton complained of having had a cow killed by the U. P. R. R. Co. He was advised that this was a damage claim over which the Commission had no jurisdiction.

7.

Ed de Barde, Superior, Wyoming, vs. D. & R. G. R. R. Co. August 23, 1909, Ed de Barde, of Superior, Wyoming, filed a claim for \$6.90 overcharge on a shipment of household goods from Trinidad, Colorado, to Superior, Wyoming. He was advised that this was an interstate shipment over which the Commission had no jurisdiction. He was also advised to file his claim with the Freight Claim Agent of the D. & R. G. R. R. Co.

8.

The United Produce Company, of Greeley, Colorado, vs. The Union Pacific Railroad Company. August 27, 1909, The United Produce Company of Greeley, Colorado, shipped a car of bulk wheat from Kuner to Greeley and stopped the car for loading in transit at Kersey, Colo. On this car was assessed the sum of the locals 6 cents per cwt. Kuner to Kersey, and $7\frac{1}{2}$ cents per cwt. Kersey to Greeley. The through rate Kuner to Greeley is 8 cents per cwt. Authority granted the Railroad Company to protect through rate of 8 cents with a stoppage in transit privilege of \$5.00. Refund of \$19.00 was made to The United Produce Company.

9.

H. F. Morgan, Arriola, Colorado, vs. Globe Express Co. September 3, 1909, H. F. Morgan, of Arriola, Colorado, filed complaint of express charges on a mule jack shipped from St. Louis, Missouri, to Dolores, Colorado. Referred to Interstate Commerce Commission.

10.

W. A. Helvey & Son, Goodland, Kansas, vs. Chicago, Rock Island & Pacific Railway Company. September 10, 1909, W. A. Helvey & Son, of Goodland, Kansas, complained of an overcharge on a shipment of bulk apples shipped from Goodland, Kansas, to Limon, and stopped at Burlington, Colorado, and Siebert, Colorado, at each of which stations part of the contents was sold and the shipment was re-billed in each instance. The Commission took the matter up with the C., R. I. & P. Ry. Co., which company stated that had shipment been billed through from

Goodland, Kansas, to Limon, charges would have been much less; also, that Goodland to Burlington, Burlington to Siebert and Siebert to Limon each constituted a separate and distinct shipment. Being an interstate shipment, the matter was finally submitted to the C., R. I. & P. Ry. Co. Claim Agent, by Helvey & Son, and this Commission received word it was having a speedy investigation.

11.

Matheson Mercantile Company, Matheson, Colorado, vs. Chicago, Rock Island & Pacific Railroad Company. September 10, 1909, the Matheson Mercantile Company of Matheson, Colorado, filed a complaint against the coal rates into Matheson. They were written and requested for more specific information, but failed to reply.

12.

E. W. Pfeiffer, State Bank Commissioner, vs. Atchison, Topeka & Santa Fe Railway Company. October 11, 1909, State Bank Commissioner E. W. Pfeiffer complained to the Commission of having had to pay Pullman fare of \$2.00 in order to ride on the A., T. & S. F. Ry. Co.'s train, "The California Limited No. 3," from Syracuse, Kansas, to La Junta, Colorado. Matter was referred to Interstate Commerce Commission and adjustment was made.

13.

S. N. Ziegler, Iola, Colorado, vs. D. & R. G. R. R. Co. October 23, 1909, S. N. Ziegler, of Iola, Colorado, filed complaint against the D. & R. G. R. R. Co. for a charge of \$1.15 per ton on coal from Gunnison to Iola, a distance of 11 miles. He was advised that above was Crested Butte rate. No commodity rate on coal applying from Gunnison to Iola at that time. Commodity rate of 75 cents per ton C. L. has since been established.

14.

Jacob Schmidt vs. D. & R. G. R. R. Co. November 27, 1909, Jacob Schmidt, of Pueblo, Colorado, alleged an overcharge on a shipment of household goods from Pueblo, Colorado, to Whittier, California. He was advised to lay the case before the Interstate Commerce Commission, as this Commission was without jurisdiction in the matter.

15.

Mrs. Edith Loring, Meeker, Colorado, vs. The Colorado Midland Railway Company. December 13, 1909, Mrs. Loring complained of a failure of the Midland Railway Company to deliver a box of goods held in their warehouse at Rifle, Colorado, since October 28, 1909. The box was said to be covered up by other freight. The matter was taken up with the Midland Railway and prompt delivery promised.

16.

John B. Outcalt, Gunnison, Colorado, vs. D. & R. G. R. R. Co. On December 15, 1909, John B. Outcalt, of Gunnison, Colorado, complained of his inability to secure cars for hay and cattle loading at Hay Spur, Colorado. The matter was immediately taken up with the officials of the D. & R. G. R. R. Co., who advised that car shortage was due to snow on Marshall Pass. Cars for hay loading were promised right away, and if no further snow prevented, cars for cattle loading also. Mr. Outcalt received the cars for both and loaded his cattle out December 20.

December 23 the Commission received the following telegram from him in Pueblo:

"Pueblo, Colo., December 23, 1909.

"Left Gunnison 20th with three cars fat cattle; arrived Pueblo 21st 9 p. m. Have been since then trying to get out for Denver. Help me to get started from stock yards."

The message was received by the Commission at 10:05 a. m. and promptly taken up with the railroad, resulting in Mr. Outcalt being able to get out of Pueblo at 1 o'clock that afternoon.

17.

E. P. Hickman, New Windsor, Colorado, vs. Union Pacific R. R. Co. January 4, 1910, E. P. Hickman made complaint that a shipment of household goods from Cheyenne Wells, Colorado, to Windsor, Colorado, made December 18, 1909, had not arrived at destination. The matter was taken up with the Union Pacific Railroad Company. Nothing further heard from complainant.

18.

E. K. Packard vs. Union Pacific R. R. Co. January 13, 1910, damages were claimed by E. K. Packard, of Eaton, Colorado, on account of failure of the Railroad Company above to furnish car at Eaton when promised for shipment of some sheep; also damages for delay of car in movement to Denver which resulted in shrinkage of sheep and necessitated an extra feed bill. Matter referred to Commission by informal complaint, and the delay in shipment taken up with the Railroad Company who satisfactorily explained the matter, and at the request of the petitioner the complaint was dropped.

19.

John B. Outcalt, Gunnison, Colorado, vs. D. & R. G. R. R. Co. January 29, 1910, Mr. John B. Outcalt again complained of inability to secure cars for hay loading at Hay Spur, Colorado. The matter was immediately taken up with the D. & R. G. R. R. Co. and Mr. Outcalt received two cars January 31. The D. & R. G. notified the Commission that three cars had also been set

at Hay Spur on February 3, and more would immediately be set in upon the loading of these, with the proviso that they be not hindered by snow. Hay Spur will only accommodate four cars at any one time. Nothing further was heard from Mr. Outcalt.

20.

A. Sonneland, Ordway, Colorado, vs. Missouri Pacific Ry. Co. February 15, 1910, A. Sonneland alleged an overcharge on two cars of emigrant movables from Harlan, Iowa, to Ordway, Colorado. Complainant was advised that the matter was interstate over which this Commission had no jurisdiction, and he was referred to the Interstate Commerce Commission.

21.

Carter, Rice & Carpenter Paper Company vs. Colorado Midland Ry. Co. March 2, 1910, permission was asked this Commission by the above Railway Company to grant authority to handle two certain shipments of paper made by Carter, Rice & Carpenter Paper Co. from Denver to Grand Junction as a part lot, giving the Paper Company the benefit of carload rates on account of a misunderstanding which arose in connection with the handling of the shipment. Authority granted by this Commission as requested and matter closed.

22.

Sparke-Moore Mercantile Company vs. D. & R. G. R. R. Co. March 7, 1910, Sparke-Moore Mercantile Company of Pagosa Springs, Colorado, made claim for damages on account of delay of cars containing cattle in transit and loss of three head having strayed. Claim presented to Attorney General and by him referred to this Commission which advised that damage claims do not come within its jurisdiction.

23.

H. C. Branch vs. D. & R. G. R. R. Co. March 11, 1910, complaint made by H. C. Branch to this Commission concerning rate adjustment of ore from Ouray, Colorado, to Buena Vista, Colorado. The matter was taken up by the Commission with the Railroad Company, who thereupon granted a concession to shippers of ore to the extent of a rate of \$5.00 per ton between above points.

24.

The Colorado Valley Land Company vs. D. & R. G. R. R. Co. Between April 13 and 28, 1910, The Colorado Valley Land Company of Monte Vista, Colorado, shipped several cars of cattle from Monte Vista to Wason, Colorado. Agent quoted \$10.00 per car and Auditor corrected same to \$27.00 per car, the tariff

rate, effective July 15, 1910. Rate of \$15.00 per 36 foot car was published and authority granted to protect the \$15.00 rate in lieu of the \$27.00 rate then in effect.

25.

On April 20, 1910, one Charles M. Fey filed a complaint covering injuries sustained as brakeman while working for a railroad company. As no particular railroad company was named and as the complaint did not contain other important information, the Commission asked that it be made more specific so as to determine the merits of the case. No reply was received and the Commission dropped the matter as it had no jurisdiction over a damage claim.

26.

S. A. Johnson Lumber Company, Flagler, Colorado, vs. C., R. I. & P. R. R. Co. May 2, 1910, the S. A. Johnson Lumber Company made complaint to the Commission of inadequate train facilities. The Commission took the matter up with the Railroad Company, with the result that better time service was promised. May 5, 11 and 12 communications were received by the Commission from W. L. Price, H. W. Brown & Co. and Dr. H. L. Williams, respectively, all of Flagler, Colorado, on the same subject. These communications were also referred to the Railroad Company in connection with the complaint from S. A. Johnson Lumber Company, and the service demanded was made by the Railroad Company.

27.

F. W. Gilliland, Willard, Colorado, vs. C., B. & Q. R. R. Co. May 27, 1910, F. W. Gilliland made complaint to the Commission concerning inadequate facilities for freight. The matter was laid before the Railroad Company and the grievance satisfied.

28.

Gunnison Hardware Company vs. D. & R. G. R. R. Co. May 27, 1910, [The Gunnison Hardware Company shipped from Pueblo to Gunnison a car of rock salt. Car routed via D. & R. G. with supposition that the minimum weight applicable was the same as via the C. & S., viz., 16,000 pounds. Minimum on D. & R. G. was 30,000 pounds. The Commission granted authority to the D. & R. G. R. R. Co. to settle the claim on the basis of 16,000 pound minimum.

29.

Lawrence C. Phipps vs. Globe Express Company. May 31, 1910, complaint was made that during December, 1909, Lawrence C. Phipps shipped from Creede, Colorado, to Denver, a pony, crated. There was some misunderstanding between Mr. Phipps'

representative and The Globe Express Company as to rates quoted, the former claiming a rate of \$4.00 per cwt. and the latter \$7.50 per cwt. Upon application of The Globe Express Company the matter was settled upon a basis of \$4.00 per cwt.

30.

John J. Serry vs. D. & R. G. R. R. Co. June 2, 1910, the Commission granted authority to the D. & R. G. R. R. Co. to protect rate of 6 cents per cwt. on mine props, Hillside, Colorado, to Canon City, which had moved prior to establishing the 6-cent rate on June 27, 1910, adjusting above claim.

31.

Curtis Brothers & Company, Clinton, Iowa, vs. D. & R. G. R. R. Co. June 6, 1910, Curtis Brothers of Clinton, Iowa, complained of rate charged on a carload of sash, doors and blinds shipped from Clinton, Iowa, to La Jara, Colorado. The matter was investigated and found that the proper rate had been applied.

32.

Citizens of Amhurst, Colorado, vs. C., B. & Q. R. R. Co. June 17, 1910, the Citizens of Amhurst, Colorado, filed a petition for a depot at Amhurst. The petition was addressed to the officials of the C., B. & Q. R. R. Co., and was referred to them by the Commission. Nothing was heard from them in regard to the matter. Owing to litigation in the Supreme Court as to the constitutionality of the law, the matter was not pressed further.

33.

H. F. Davis, Boyero, Colorado, vs. U. P. R. R. Co. June 24, 1910, H. F. Davis of Boyero, Colorado filed his petition for depot and agent, also station platform at Boyero, a flag stop on the U. P. The matter was referred to the U. P. officials and they failed to reply. For the same reasons given in No. 32 the matter was not pressed further.

34.

Mat Sanders, Pueblo, Colo. vs. A. T. & S. F. Ry. Co. June 29, 1910, Mat Sanders, of Pueblo, Colorado complained of an overcharge on a shipment of toy harps from Boston to Pueblo. Referred to Interstate Commerce Commission.

35.

County Commissioners of Rio Grande County vs. D. & R. G. R. R. Co., July 20, 1910. During April and May, 1910, the County Commissioners of Rio Grande County shipped three cars of stone from Del Norte to Parma, Colorado, to repair a bridge over the

Rio Grande river, at which time only class rates prevailed. Owing to washouts, shipments were moved before a commodity rate of 5 cents was published and authority was granted to protect the shipment on basis of 5 cents per cwt.

36.

Cherokee Commission Co., Bristol, Colo. vs. A., T. & S. F. Ry. Co. August 1, 1910, The Cherokee Commission Company of Bristol, Colo., complained of their inability to secure cars for hay loading. The matter was immediately taken up with the officials of the A., T. & S. F. Ry. Co., and on August 15th the commission received word that cars were being supplied as needed.

37.

Dr. J. F. Richardson, Denver, vs. C. R. I. & P. R. R. Co. August 19, 1910, Dr J. F. Richardson of Denver made complaint of a shipment of goods from Cedar Rapids, Iowa to Denver. The shipment was billed out at 590 pounds and Denver office claimed 715 pounds. The shipment was re-checked and weight verified 717 pounds in the presence of F. D. Wilsmeier, Inspector of the Western Railway Weighing Association & Inspection Bureau.

38.

Robert E. Carson, Littleton, vs. C. & S. Ry. Co. September 11, 1910, Robert E. Carson of Littleton filed a petition for a private road crossing on the C. & S. Ry. between mile posts 13 and 14. The matter was referred to the officials of the C. & S. Ry., who suggested that Mr. Carson take the matter up with their Division Superintendent and he was so advised. Nothing further was heard from the petitioner.

39.

J. Allen Alcorn, Greeley, vs. U. P. R. R. Co. September 13, 1910, J. Allen Alcorn of Greeley complained of not being able to buy a through ticket from Greeley to Kewanee, Ill. He was advised that there was no law by which this Commission could require the Union Pacific Railroad Company to make a rate to Kewanee, Ill., over the Burlington from Greeley, via Denver, less local rate from Greeley to Denver.

40.

H. C. Walker, Cimarron, Colorado, vs. D. & R. G. R. R. Co. September 15, 1910, H. C. Walker, of Cimarron, Colorado, complained of the D. & R. G. R. R. selling coal at Cimarron and refusing to sell in lots of less than 1 ton, also of delay in forwarding a car of hay after loading. The matter was taken up

with the D. & R. G. officials. They advised that they had tried to avoid handling coal at all and simply did so to accommodate the public in small places like Cimarron. They said there was no money in it, but lots of bother, and suggested that Mr. Walker handle the coal business there. The matter was referred to Mr. Walker and nothing further was heard from him.

41.

Simon Frank, Denver, vs. A. T. & S. F. Ry. Co. September 29, 1910, Simon Frank of Denver called the attention of the Commission to a young woman having been put off a Santa Fe train at El Moro, a flag station, she claiming to have lost her ticket. He was advised that this was a damage claim over which this Commission has no jurisdiction.

42.

Cherokee Commission Co., Bristol, Colo., vs. A., T. & S. F. R. R. Co. October 15, 1910, The Cherokee Commission Company of Bristol, Colorado, again complained of their inability to secure cars for hay loading. The matter was referred to the A., T. & S. F. Ry. Co., which notified the Commission the following day that their General Superintendent was investigating the matter and they would do all in their power to furnish the cars needed. On November 9th the Commission received a letter from the A., T. & S. F. Ry. Company in which it explained the shortage as follows:

"We have been in active correspondence with our General Superintendent ever since your letter was received, and our investigation develops that during the thirty days ending Oct. 17th, the day your letter was written, we furnished the Cherokee Commission Co. with nineteen box cars for hay loading, which represented about seventy per cent. of their requirements. This is equally as well as we were able to do by any of our shippers in our Arkansas Valley territory, as the demand for box cars was beyond our ability to supply, and we were striving to give each shipper an equal percentage of what cars were ordered.

"The movement of the grain crop in Kansas and Oklahoma has been exceedingly heavy this fall; there also exists a shortage of coal throughout the country, and these conditions have placed upon us the burden of supplying an unusual demand for box cars within a short space of time.

"Since this correspondence started, we have had up with our connections at Kansas City and elsewhere, question of turning over to us box cars to protect this hay and other loading offered in our Arkansas Valley territory, and we have already received twenty from the Missouri Pacific Ry., Concordia, Kansas, which will be distributed for alfalfa, hay and meal loading, and hope to obtain more box cars from other connections at Kansas City.

"In addition to these foreign line cars, we are now stopping all empty box cars from our Colorado Division and distributing throughout the Arkansas Valley for hay, meal, sugar and other loading offered, which I am in hopes will materially relieve the situation in that territory.

"Am giving you this detailed information, in order that you may understand, that we are doing everything in our power to take care of the extremely heavy loading offered on our line, and in all cases striving to treat our patrons all alike.

"Yours truly,

"(Signed)

"C. H. MOREHOUSE,

"D. F. A.

"A., T. & S. F. Ry. Co."

43.

C. Rugh, Greeley, vs. U. P. R. R. Co. October 17, 1910, C. Rugh filed a complaint against the U. P. R. R. Co. for refusal to switch cars from D. L. & N. W. and D. N. W. & P. tracks. He was referred to section 22 of the law, authorizing him to file a formal complaint.

44.

H. C. Walker, Montrose, vs. D. & R. G. R. R. Co. October 18, 1910, Mr. H. C. Walker of Montrose, Colorado, complained of a shipment of household goods having been shipped from Cimmaron, Colorado to Montrose, and held there by agent two days, refusing to let him take them out. The matter was referred to the General Freight Agent of the D. & R. G. R. R. Co., who promised to investigate at once. Nothing further was heard from Mr. Walker.

45.

The Denver Shale Brick Company vs. U. P. R. R. Co. October 18, 1910. During February and March, 1910, the Union Pacific Railroad Company switched 25 cars of gravel from the Stock Yards to the F. C. Ayres Mercantile Company's warehouse at 20th and Wazee streets. A flat rate of \$5.00 per car is claimed to have been quoted by the Chief Clerk of freight department of the U. P. R. R. Co., for their switching service. The tariff rate was 25 cents per ton. The Denver Shale Brick Company made sale of the gravel based on the rate of \$5.00 per car and paid for two cars at said rate, when the railroad company demanded payment on a basis of 25 cents per ton. The Union Pacific Railroad Company requested that the contention of consignor be sustained and they be allowed to protect \$5.00 rate. Authority granted.

46.

E. M. Quale, Bridgeport, Nebraska vs. A., T. & S. F. Ry. Co. November 2, 1910, E. M. Quale of Bridgeport, Nebraska filed a complaint for loss of contents of a barrel of fruit and other articles shipped from Lamar, Colorado, to Bridgeport, Nebraska. He was advised that this Commission has no jurisdiction over damage claims and interstate shipments.

47.

F. A. Haenselman, Boulder, vs. Adams Express Co. November 10, 1910, F. A. Haenselman, of Boulder, filed claim for damage against the Adams Express Co. The matter was taken up with the Express Company, who promised to investigate and if the amount (\$7.50) was due they would settle. Mr. Haenselman was written asking if the matter had been settled to his satisfaction, and the Commission received no reply.

48.

Citizens of St. Elmo and Tin Cup vs. C. & S. Ry. Co. November 14, 1910, the citizens of St. Elmo and Tin Cup, Colorado, filed a petition for a station agent. The matter was laid before the officials of the C. & S. Ry. Co., and on December 23d the Commission was advised that an agent had been installed.

49.

Garret Harris, Bennett, Colorado vs. U. P. R. R. Co. November 26, 1910, Garret Harris of Bennett, Colorado, filed a claim for \$18.50 overcharge on a shipment of emigrant movables from Welcome, Minnesota to Bennett, Colorado, via C. N. W. and U. P. R. R. The shipment was interstate and he was referred to the Interstate Commerce Commission.

50.

John Basinger, Peyton, Colorado vs. Southern Railway. December 15, 1910, John Basinger filed his complaint of a delay in shipment of goods from Fell City, Indiana, to Peyton, Colorado. He was referred to the Interstate Commerce Commission.

PART IV.

EMERGENCY REQUESTS

EMERGENCY REQUESTS.

The following is a detailed statement of authorities granted to install emergency rates.

It will be noted as a significant fact that in all cases where any change has been made in an existing rate it has been a reduction, and in some instances the reduction has been about one-half. This will indicate the general tendency on the part of the railroads since the creation of this Commission to lower their rates.

In some instances authorities were granted where no rate had heretofore existed, and in some instances authorities have been denied where the Commission feared the same might work a discrimination.

SPECIAL ORDERS ISSUED FOR THE YEAR 1909.

Authority No.	Date, 1909.	
1	Jan. 5	Authorizing Colorado Midland Ry. Co. and Denver & Rio Grande R. R. Co. to make rate of 60 cents per cwt. on tin cans, C. L., Colorado Common Points to Leadville, New Castle, Rifle, Silt, Grand Valley, DeBeque, Clifton and Grand Junction, Colo.
2	Jan. 9	Authorizing the Chicago, Burlington & Quincy R. Co. to make rate of 4 cents per cwt., C. L., on dimension stone, Lyons, Colo., to Denver.
3	Jan. 12	Authorizing Colorado & Southern Ry. Co. to make rate of 45 cents per ton, C. L., on nut coal, from Rugby, Colo., to Aguilar, Colo.
4	Jan. 21	Authorizing the Adams Express Co. to publish schedule of rates applying from Steamboat Springs, Colo., a new station on the Denver, Northwestern & Pacific Ry. Co., on one day's notice.
5	Feb. 2	Authorizing the Globe Express Co. to publish Exception Sheet No. 2 to Express Classification No. 18.
6	Feb. 5	Authorizing the Chicago, Rock Island & Pacific R. Co. to transport free of charge wheat seed and seed of all kinds to semi-arid region of Colorado along line of Rock Island R. R.
7	Feb. 11	Authorizing Colorado & Southern Ry. to make rate of 3 cents per cwt., C. L., on pea vines, Longmont, Colo., to Greeley, Colo.
8	Jan. 26	Authorizing Colorado Midland Ry. Co. to make rate \$2.50 per ton from Lake George, Colo., to La Junta.

Authority Date.
No. 1909.

- 9 Feb. 11 Authorizing Colorado Midland Ry. to make rate of 55 cents per ton on ice, C. L., from Lake George, Colo., to Colorado Springs, when destined to points on Rock Island R. R. points between Colorado Springs and Limon, Colo.
- 10 Feb. 13 Authorizing Colorado Midland Ry. to amend tariff by incorporating rule governing minimum weight on cement and plaster.
- 11 Feb. 15 Authorizing Colorado Midland Ry. to correct error of rate clerk in quoting class rate on emigrant movables, Buena Vista, Colo., to Aspen, Colo.
- 12 Feb. 24 Authorizing Denver & Rio Grande R. R. to extend to April 1st, 1909, tariff carrying rate of \$2.00 per ton, C. L., on ore from Creede, Colo., to Pueblo and Salida, Colo., said rate being authorized by this Commission under date December 22d, 1908.
- 13 Feb. 25 Authorizing Colorado & Southern Ry. to make rate \$1.00 per ton, C. L., on pea vines, Longmont, Loveland and Greeley to Melvin and intervening points to Eastonville, Colo.
- 14 Feb. 25 Denver, Northwestern & Pacific Ry. to make rate \$6.00 per ton on hay from Denver to points in Routt county, Colo.
- 15 Mch. 1 Authorizing Colorado Midland Ry. to make rate of \$1.25 per ton, C. L., on coal from Sunshine Mine, Colo., to Red Stone, Colo.
- 16 Mch. 3 Authorizing Denver & Rio Grande R. R. to make rate of \$1.00 per ton, C. L., on ore and concentrates when released to valuation not exceeding \$100.00 per ton, from Denver to Pueblo, Minniqua and Blende, Colo.
- 17 Mch. 3 Authorizing Colorado & Southern Ry. to make rate of 70 cents per ton on ice, C. L., in train-load lots, from Kline, Colo., and intermediate stations to Denver, Colo.
- 18 Mch. 10 Authorizing Colorado Midland Ry. to establish minimum of 30,000 pounds on wire, iron and steel from Colorado Common Points to stations on Colorado Midland as far West as Grand Junction, and to include points in Colorado West thereof which have joint through rates in connection with D. & R. G. R. R.
- 19 Mch. 10 Authorizing the Colorado Midland Ry. Co. to make rate of 30 cents per cwt. on smudge oil from Florence, Colo., and intermediate points to Loma, thence via A., T. & S. F. Ry. through Colorado Springs, thence via Grand Junction care D. & R. G. R. R.

Authority Date.
No. 1909.

- 20 Mch. 10 Authorizing the Colorado Midland Ry. to make rate of 25 cents per cwt. on corn and corn chop, from Denver to Fruita, Colo.
- 21 Mch. 11 Authorizing The Denver, N. W. & Pacific Ry. to make rate \$5.00 per net ton, C. L., on mining rails and track fastenings, from Denver to Oak Hill coal fields, Colorado.
- 22 Mch. 13 Authorizing Denver & Rio Grande R. R. to make rate of \$1.25 per ton, C. L., on ice, from Russell, Colorado, to Rouse, Colorado.
- 23 Mch. 15 Authorizing Colorado Midland Ry. to make Colorado & Southern Ry. a participating carrier in Rate Notice No. 46, carrying rate on ice, but not in any way affecting rate as published.
- 24 Mch. 16 Authorizing Denver & Rio Grande R. R. to make rate of \$1.25 per ton, C. L., on coal, from Cameo and Palisade to Fruita, Colorado.
- 25 Mch. 17 Authorizing Colorado & Southern Ry. to make rate of 3 cents per cwt. on rubble stone, C. L., from Arkins branch to Wellington, Colorado, and intermediate points, and from Lords and Bellevue Junction to Barnett, Colorado.
- 26 Mch. 19 Authorizing Denver & Rio Grande R. R. to make rate of \$2.00 per ton, C. L., on anthracite pea coal, from West Denver yards to C., B. & Q. transfer.
- 27 Mch. 20 Authorizing Denver, N. W. & Pacific Ry. Co. to make rate of 15 cents per cwt. on seed, C. L., from Denver to Kremmling, Colorado; and 20 cents to Steamboat Springs, and one-half class rate on less than C. L.
- 28 Mch. 23 Authorizing Colorado Midland Ry. to make rate \$1.25 per ton, C. L., on coal from South Canon and Coryell stations to Redstone, Colorado.
- 29 Mch. 25 Authorizing Colorado & Southern Ry. to make rate of 3 cents per cwt., C. L., on clay, from Wilds Spur, Colorado, to Argo, Colorado.
- 30 Mch. 25 Authorizing Colorado & Southern Ry. to amend Item No. 1540, Supplement No. 91 to G. F. O. No. 1-E.
- 31 Mch. 29 Authorizing Colorado & Southern Ry. to make rate 25 cents per ton, C. L., on slack coal, from Gray Creek to Hastings, via Trinidad, Colorado, in connection with Colorado & S. E. R. R.
- 32 Mch. 30 Authorizing Denver & Rio Grande R. R. to extend rate \$2.00 per ton, C. L., on ore from Creede to Pueblo and Salida, Colorado, as granted in our authority No. 12.

Authority Date.
No. 1909.

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| 33 | Apr. 7 | Authorizing Colorado Midland Ry. to make rate of \$4.00 per ton, C. L., on bullion carrying values from \$500.00 to \$800.00 per ton, from Colorado City, Colorado, to Denver. |
| 34 | Apr. 8 | Authorizing Colorado Midland Ry. to make rate 25 cents per cwt. on cement and plaster, C. L., from Portland, Colorado, to Loma, Colorado. |
| 35 | Apr. 13 | Authorizing Denver & Rio Grande R. R. to make rate of 25 cents per cwt., C. L., on second-hand machinery from Shoshone, Colorado, to Denver. |
| 36 | Apr. 14 | Authorizing Denver, N. W. & Pacific Ry. to make rate of \$3.00 per ton on hay from Kremmling, Colorado, to Steamboat Springs, Colorado. |
| 37
and
38 | Apr. 8
and
14 | Authorizing Globe Express Co. to satisfy complaint filed by J. C. Babcock with this Commission (Case No. 14) by reinstating tariff on less than 30 days' notice covering rates on milk and cream against which no objection is registered by any shipper. |
| 39 | Apr. 17 | Authorizing Colorado Midland Ry. to make rate 45 cents per cwt. on mixed, C. L., apples and potatoes, from Basalt, Colorado, to Denver. |
| 40 | Apr. 19 | Authorizing Denver & Rio Grande R. R. to make rate of 60 cents per ton on rails and fastenings from Minnequa, Colorado, to Denver. |
| 41 | Apr. 21 | Authorizing Chicago, Burlington & Quincy Ry. to amend G. F. O. No. 7794 so as to apply rate \$3.00 per ton on cast iron pipe from Minnequa, Colo., to Brush, Colo. |
| 42 | Apr. 23 | Authorizing Denver & Rio Grande R. R. to amend tariffs G. F. D. No. 4659 and L. C. T. 4, 5 and 72 and Rate Notice 218-B, making Colorado and Wyoming R. R. a party to said tariffs. |
| 43 | Apr. 27 | Authorizing Colorado & Southern Ry. to establish minimum of 16,000 pounds on packing house products and fresh meats, Denver to Oredelle, Colorado. |
| 44 | Apr. 28 | Authorizing Colorado Midland Ry. to make rate \$3.00 per ton, C. L., on mill sweepings and cleanings, from Colorado City, Colorado, to Denver. |
| 45 | Apr. 28 | Authorizing Globe Express Co. to make rate 75 cents per cwt. on milk and cream from Greenland, Colorado, to Canon City, Colorado. |
| 46 | Apr. 30 | Authorizing Colorado Midland Ry. Co. to make rate of 15 cents per cwt. on oil, fuel, gas, distillate and residuum from Florence, Colorado, to Colorado City, Colorado. |

Authority No.	Date. 1909.	
47	May 7	Authorizing Colorado Midland Ry. to make a rate of 4 cents per cwt. on sand, C. L., from Glenwood, Colorado, to Sunlight, Colorado.
48	May 8	Authorizing Denver & Rio Grande R. R. to make rate of \$30.00 a car on cattle, and \$39.00 a car on horses, from Moffat, Colorado, to Jack's Cabin, Glaciers and Crested Butte, Colorado.
49	May 10	Authorizing Colorado & Southern Ry. to make rate of 3 cents per cwt., C. L., on fire brick, from Golden, Colorado, to Utah Junction, Colorado.
50	May 10	Authorizing Chicago, Burlington & Quincy R. R. to make rate of 50 cents a ton, C. L., on sand and gravel, Denver, Colorado, to Eversman, Lafayette and Erie, Colorado.
51	May 10	Authorizing Denver & Rio Grande R. R. to make rate of 6 cents per cwt. on sand, C. L., from Fuego and Pueblo, Colorado, to Cokedale, Colorado.
52	May 10	Authorizing Colorado & Southern Ry. to make rate of 60 cents per ton, C. L., on angle bars for 66 pound rails, from Minnequa, Colorado, and Pueblo, Colorado, to Denver.
53	May 12	Authorizing Colorado & Southern Ry. to make rate of \$2.35 per ton, C. L., on engine coal, from stations in the Walsenburg district, and \$2.47½ per ton from stations in the Trinidad district, to Silver Plume, Colorado.
54	May 14	Authorizing Colorado & Southern Ry. to make a rate of 50 cents per ton, C. L., on sand from Denver, Argo and Utah Junction, to Semper and Standley Lake Spur; and 60 cents per ton to Broomfield, Louisville Junction and Superior; and 65 cents per ton to Monarch and Marshall, all in State of Colorado.
55	May 18	Authorizing Colorado & Southern Ry. to make a rate of 4 cents per cwt., C. L., on ties, minimum 30,000 pounds, from Aguilar, Colorado, to Mayne, Colorado.
56	May 18	Authorizing the Chicago, Burlington & Quincy R. R. to make a rate of 50 cents per ton, C. L., on sand and gravel, from Denver to Barr, Klink and Hudson, Colorado.
57	May 18	Authorizing Denver & Rio Grande R. R. to make rate of 6 cents per cwt. on grain, C. L., straight or mixed, from Sedalia, Colorado, to Denver.

Authority Date.
No. 1909.

- 58 May 18 Authorizing Denver, N. W. & Pacific Ry. to haul five tons printing machinery to replace plant of "Steamboat Pilot" destroyed by fire, at $\frac{1}{2}$ tariff rate, Denver to Steamboat Springs, Colorado.
- 59 May 19 Authorizing Colorado & Southern Ry. to make rate of 25 cents per cwt. on all freight between Marshall, Colorado, and Eldora Springs, Colorado.
- 60 May 19 Authorizing Colorado Midland Ry. to make rate of 42 cents per cwt. on beer and hop ale, Golden, Colorado, to Leadville, Colorado.
- 61 May 22 Authorizing Colorado Midland Ry. to make rate of \$5.00 per ton on hay, Colorado Common Points from Denver and Trinidad to Grand Junction and intermediate points, including stations on Aspen branch, and in connection with Denver & Rio Grande R. R.
- 62 May 24 Authorizing Denver & Rio Grande R. R. to make rate of \$1.50 per net ton, C. L., on smelter slag, value not exceeding \$10.00 per ton, Florence, Colorado, to Salida, Colorado.
- 63 May 25 Authorizing Colorado & Southern Ry. Co. to make rate of 7 cents per cwt., C. L., on brick, Boulder, Colorado, to Hudson, Colorado.
- 64 May 25 Authorizing Colorado Midland Ry. to establish and publish minimum weight 30,000 in amendments to tariffs carrying C. R. C., Nos. 53 and 55.
- 65 May 27 Authorizing Crystal River R. R. to make rate of \$10.00 a car on cattle from Carbondale, Colorado, to Placita, Colorado.
- 66 May 27 Authorizing Denver & Rio Grande R. R. to make rate of 50 cents per cwt., C. L., minimum 50,000 pounds, on fruit wrapping paper, from Colorado Common Points to Durham, Ute, Rhone, etc.
- 67 May 27 Authorizing Denver & Rio Grande R. R. to make rate of 50 cents per cwt., C. L., minimum 50,000 pounds, fruit wrapping paper, from Denver, Pueblo and Colorado Springs to Glenwood, Chacra, New Castle, etc.
- 68 May 28 Authorizing Denver & Rio Grande R. R. to make rate of 60 cents per cwt., C. L., on smudge pots, from Denver, Colorado Springs and Pueblo, to points enumerated between Durham and Montrose, and Glenwood and Grand Junction, Colorado.

Authority Date.
No. 1909.

- 69 May 28 Authorizing Denver & Rio Grande R. R. to extend rate of 29 cents per cwt., on second-hand machinery, Shoshone, Colorado, to Denver, as granted by Authority No. 35.
- 70 June 2 Authorizing Denver, N. W. & Pacific R. R. to make rate of \$1.60 on all coal except slack, and \$1.40 on slack coal, C. L., from coal fields in Yampa district to Denver, Colorado.
- 71 June 3 Authorizing Union Pacific R. R. to make rate of 2½ cents per cwt., C. L., minimum 40,000 pounds on gravel, from Denver to Puritan, Colorado.
- 72 June 4 Authorizing Colorado Midland Ry. to make rate of \$2.50 per ton, C. L., on ore and concentrates, value not exceeding \$18.00 per ton, Aspen to Pueblo, Colorado.
- 73 June 8 Authorizing Colorado & Southern Ry. to make rate of 8 cents per cwt., C. L., on sand, Denver to Niwot, Colorado.
- 74 June 9 Authorizing Denver & Rio Grande R. R. to make rate of \$25.00 per narrow gauge car on cattle, from Dolores, Colorado, to Dyke and Pagosa Springs, Colorado.
- 75 June 14 Authorizing Union Pacific R. R. to make rate of \$10.00 per tank car, C. L., on water, from Brighton to Dick, Colorado.
- 76 June 15 Authorizing Colorado Midland R. R. to make rate of 50 cents per cwt. on fruit wrapping paper, and 60 cents per cwt. on smudge pots, from Denver, Colorado Springs and Pueblo, to points on the D. & R. G. R. R. West of Grand Junction, Colorado.
- 77 June 19 Authorizing Denver, N. W. & Pacific Ry. to publish first class rate on automobiles, Denver, Colorado, to Granby, Colorado.
- 78 June 19 Authorizing Denver & Rio Grande R. R. to re-issue Tariff No. 4791, providing rates for opening of traffic on the Beaver, Penrose & No. Ry.
- 79 June 23 Authorizing Denver, N. W. & Pacific Ry. to haul additional machinery to complete printing plant of "The Steamboat Pilot" at ½ published tariff, from Denver to Steamboat Springs, Colorado.
- 80 June 24 Authorizing Chicago, Burlington & Quincy R. R. to establish and publish minimum of 30,000 pounds on grain shipments originating on line of C., B. & Q. R. R. when destined to Colorado Common Points.

Authority Date.
No. 1909.

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| 81 | June 29 | Authorizing Colorado & Southern Ry. Co. to haul free of charge camping outfit and provisions for Working Boys' Home, Denver, to Chase, Colorado. |
| 82 | June 30 | Authorizing Denver & Rio Grande R. R. to make rate of 3 cents per cwt., C. L., on brick, Pikeview to Denver, Colorado. |
| 83 | July 3 | Authorizing Denver & Rio Grande R. R. to make rate of \$1.50 per ton on coal, New Castle to Redstone. |
| 84 | July 8 | Authorizing Denver & Rio Grande R. R. to make rate of \$50.00 per car on graders' outfit, Colorado Springs to Carbondale. |
| 85 | July 8 | Authorizing Denver & Rio Grande R. R. to make rates 10 cents per cwt. from Walsenburg to Blanca; \$2.00 per car from Minnequa in connection with Colorado & Wyoming R. R., on materials and supplies for railroad construction (new line 60 miles long) from Blanca, Colorado. |
| 86 | July 8 | Authorizing Denver & Rio Grande R. R. to make rate of \$2.25 per ton, C. L., on ore, value not exceeding \$14.00 per ton, from Creede to Pueblo, Colorado. |
| 87 | July 16 | Authorizing Colorado Midland Ry. to make rate of \$1.00 per ton, C. L., on coal from Cardiff Group to Aspen, Colorado. |
| 88 | July 16 | Authorizing Union Pacific R. R. to make rate of 6 cents per cwt., C. L., green vegetables, from Brighton, Colorado, to Platteville, Colorado. |
| 89 | July 16 | Authorizing Denver & Rio Grande R. R. and The Colorado Midland Ry. to make rate of \$2.25 per ton, C. L. on ore, value not exceeding \$18.00 per ton, from Aspen, Colorado, to Pueblo, Minnequa and Blende, Colorado. |
| 90 | July 17 | Authorizing Denver & Rio Grande R. R. to make rate 1/2 of the published tariff on one second-hand pump, Ouray to Aspen, Colorado. |
| 91 | July 20 | Authorizing Adams Express Co. to make rate of \$2.00 per cwt. on fruits and vegetables, Denver to Steamboat Springs, Colorado. |
| 92 | July 21 | Authorizing Globe Express Co. to make rate of \$1.20 per cwt. on fruit and vegetables from Grand Junction, Delta and intermediate points to various points in the San Luis Valley. |
| 93 | July 21 | Authorizing Denver & Rio Grande R. R. to make rate of 16 cents per cwt. on lumber, Mancos to Cerro Summit. |

Authority No.	Date. 1909.	
94	July 21	Authorizing Globe Express Co. to make rate of 60 cents on cream, Denver to Victor, Colorado.
95	July 22	Authorizing Colorado & Southern Ry. to make special rate covering circus paraphernalia from Greeley to Fort Collins.
96	July 22	Authorizing Globe Express Co. to make rate of 25 cents per cwt. on fruits and vegetables from Austin, Beet Spur, etc., to Paonia.
97	July 22	Authorizing Colorado & Southern Ry. to make rate of 12 cents per cwt., mixed carloads, on bottling plant from Boulder to Denver.
98	July 23	Authorizing Chicago, Burlington & Quincy R. R. to make rate of 4 cents per cwt., C. L., on sand, Crest to Denver.
99	July 23	Authorizing Denver & Rio Grande R. R. to make rate of \$4.75 per ton, C. L., on zinc tailings, value not exceeding \$12.00 per ton, from Eureka district, Colorado, to Salida, Pueblo, Minnequa and Blende, Colorado.
100	July 24	Authorizing Union Pacific R. R. to make rate of 5 cents per cwt., C. L., on mine ties and slabs, Denver to Dacono, and same rate on mine ties, props and slabs, Denver to Erie, when originating on D., N. W. & P. Ry. and C. & S. Ry.
101	July 28	Authorizing Union Pacific R. R. to make rate of 7½ cents per cwt., C. L., on ore and concentrates, value not to exceed \$50.00 per ton, Denver to Boulder.
102	July 30	Authorizing joint rate, Denver and Intermountain R. R. and Denver & Rio Grande R. R., of 8 cents per cwt., C. L., on cement, Portland, Colorado, to Golden, Colorado.
103	July 31	Authorizing Denver, N. W. & Pacific Ry. to establish minimum weight, 20,000 pounds, on mixed, C. L., packing house products, Denver to all stations on D., N. W. & P. Ry.
104	Aug. 3	Authorizing Chicago, Rock Island & Pacific Ry. to make rate of 20 cents per cwt., C. L., on wheat, with milling in transit privileges, from Burlington and intermediate points, when destined to points on the Denver & Rio Grande R. R. and the Colorado & Southern Ry.
105	Aug. 3	Authorizing Globe Express Co. to make rate of 90 cents per cwt. on milk and cream between Crested Butte and Delta.
106	Aug. 3	Authorizing Globe Express Co. to amend its fruit tariffs so that same rates in Colorado will be applicable to vegetables.

Authority Date.
No. 1909.

- 107 Aug. 5 Authorizing Denver & Rio Grande R. R. to make rate of \$35.00 per car on grading outfit, including stock, tools and camping outfit, from Alamosa, etc., to Denver, Colorado Springs and Pueblo.
- 108 Aug. 5 Authorizing Denver & Rio Grande R. R. to make rate of \$6.00 per car on cantaloupes, Loma to Grand Junction and Clifton.
- 109 Aug. 5 Authorizing Colorado & Southern Ry. to make rate of \$2.00 per ton, C. L., on ore, value not exceeding \$18.00 per ton, from Alma, Leavick and Fairplay to Denver.
- 110 Aug. 5 Authorizing Denver & Rio Grande R. R. to make rate of 5 cents per 100 pounds, C. L., on cement from Portland and Concrete to Colorado Common Points.
- 111 Aug. 5 Authorizing Colorado Midland Ry. to make rate of \$1.60 per ton, C. L., on cement plaster from Ruedi to Denver, Colorado Springs and Pueblo.
- 112 Aug. 9 Authorizing Denver & Rio Grande R. R. to make rate of \$2.00 per net ton on coke, C. L., Trinidad Group ovens to Concrete, Portland, Florence and Canon City.
- 113 Aug. 12 Authorizing Colorado & Southern Ry. to make rate of 5 cents per cwt., C. L., on gravel, Denver to Niwot.
- 114 Aug. 16 Authorizing Union Pacific R. R. to publish rates to stations on new lines or branch lines on one day's notice.
- 115 Aug. 17 Authorizing Colorado & Southern Ry. to correct item No. 397, Sup. 44 to G. F. O. No. 1290-A.
- 116 Aug. 17 Authorizing Colorado & Southern Ry. to make rate \$2.75 per ton, C. L., on ore, value not to exceed \$18.00 per ton, from Alma, Fairplay and Leavick to Salida.
- 117 Aug. 18 Authorizing The Crystal River R. R. to make following rates from Carbondale to Redstone: Poles and piling, C. L., 50 cents per net ton. Locomotives on own wheels, \$20.00 each. Combination passenger cars, \$15.00 each. Freight cars, all kinds, on own wheels, \$10.00 each.
- 118 Aug. 18 Authorizing Denver & Rio Grande R. R. to make rate of \$1.25 per ton, C. L., on ore from Redcliff, Belden and Rock Creek to Leadville, and from same points to Salida rate of \$1.75 per ton, released value not to exceed \$12.00 per ton.

Authority No.	Date. 1909.	
119	Aug. 20	Authorizing Colorado Midland Ry. to make rate \$5.00 per ton, C. L., on scrap iron South Canon to Delver.
120	Aug. 21	Authorizing Denver & Rio Grande R. R. to make rate of 40 cts. per cwt, C. L., on iron & steel water pipe, from Pueblo and Minnequa to Delta.
121	Aug. 24	Authorizing Colorado & Southern Ry. to make rate 2 1-2 cents per cwt., C. L., on apples, from all points on the Arkins & Lowry Branch to Loveland, Colorado.
122	Aug. 25	Authorizing Globe Express Co. to make rate of \$1.05 per cwt., C. L., on fruits and vegetables from Western Slope points to San Luis Valley points.
123	Aug. 25	Authorizing Colorado & Southern Ry. to publish Rule 64 covering shipments of barley originating at points on The Great Western Ry. providing for cleaning in transit privileges.
124	Aug. 26	Authorizing Wells Fargo & Co. Express to make rate of 50 cts. per cwt., C. L., with 25 cts. extra for refrigeration, on cantaloupes from La Junta to Denver.
125	Aug. 28	Authorizing Chicago, Rock Island & Pacific to reduce rate on wheat, C. L., from all points on its road in Eastern Colorado to Denver.
126	Aug. 30	Authorizing Denver & Rio Grande R. R. to make rate on low grade ores \$3.00 per ton Lake City to Salida, \$4.00 per ton Lake City to Pueblo, and \$5.00 per ton from Ouray to Pueblo, value not exceeding \$25.00 per ton.
127	Aug. 30	Authorizing Denver & Rio Grande R. R. to make rate \$25.00 on narrow gauge dump cars Carbondale to Minnequa.
128	Sept. 2	Authorizing Chicago, Burlington & Quincy R. R. to make rate of 20 cents per cwt., C. L., on grain and grain products, from stations on the Great Western Ry., and Foster to Eaton, inclusive, and to Colo. Springs, Pueblo and Trinidad, with milling in transit privileges at Longmont.
129	Sept. 2	Authorizing Denver & Rio Grande R. R. to make rate of \$1.00 per ton 2240 lbs. on rails, and per ton 2000 lbs. on fastenings from Glenwood to Carbondale.
130	Sept. 7	Authorizing Denver & Rio Grande R. R. to make rate of 22 1-2 cents per cwt., C. L., on seed wheat, Colorado Common Points to Montrose and Delta.

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- 131 Sept. 8 Authorizing Colorado Midland Ry. to make rate of \$20.00 per 36 foot car on sheep from Arkansas Junction to Hartzel.
- 132 Sept. 10 Authorizing Denver, Northwestern & Pacific Ry. to make rate of 40 cents per cwt., C. L., on machinery from Denver to Oak Creek.
- 133 Sept. 13 Authorizing Denver & Rio Grande R. R. to haul free exhibit for Montrose Entertainment Committee during President Taft's visit for the Gunnison Tunnel opening.
- 134 Sept. 14 Authorizing Colorado Midland Ry. to make rate of 75 cents per net ton, C. L., on lime rock Newett to Eilers, Colo.
- 135 Sept. 15 Authorizing Denver & Rio Grande R. R. to make rate 60 cents per cwt, C. L., on deciduous fruits, with refrigeration charge of \$25.00 per car, from New Castle to Colo.-Utah line, etc.
- 136 Sept. 15 Authorizing Globe Express Co. to make rate of 20 cents per cwt. on milk and cream between Montrose and Ridgway (both directions).
- 137 Sept. 15 Authorizing Globe Express Co. to make rate of \$1.50 per cwt. on fresh fruits and vegetables from Grand Valley points to San Luis Valley points.
- 138 Sept. 17 Authorizing Wells Fargo & Co. Express to make rate of \$1.50 per cwt., General Special, from Mack to Eastern Colo. points.
- 139 Sept. 17 Authorizing Denver & Rio Grande R. R. to make rate of 10 cents per cwt., on 2d grade apples, Howard to Canon City.
- 140 Sept. 18 Authorizing Denver & Rio Grande R. R. to make rate of 20 cents per cwt., C. L., on green fruit, from Grand Valley points to Paonia.
- 141 Sept. 20 Authorizing Colorado & Wyoming R. R. to make rate of \$2.00 per car on rock from Jansen Quarry to Jansen and Sopris.
- 142 Sept. 21 Authorizing Denver & Rio Grande R. R. to make rate of \$30.00 on locomotives on their own wheels, between Glencoe and Durango (both directions).
- 143 Sept. 23 Authorizing Colorado & Southern Ry. to make rate of 5 cents per cwt., C. L., on apples, Broomfield and Morrison to Denver.
- 144 Sept. 27 Authorizing Chicago, Burlington & Quincy R. R. to make rate of 10 cents per cwt., C. L., on culled apples, Lafayette and Lyons to Denver.

Authority No.	Date. 1909.	
145	Sept. 27	Authorizing Colorado & Southern Ry. to make rate of 4 cents per cwt., C. L., on culled apples, Arvada to Denver, and 5 cents per cwt. from Golden to Denver.
146	Sept. 29	Authorizing Union Pacific R. R. to make rate of 15 cents per cwt., L. C. L., tomatoes, from Ft. Morgan to Platteville, and Ft. Morgan to Brighton.
147	Sept. 29	Authorizing as above (which order was made effective September 13).
148	Oct. 1	Authorizing Denver & Rio Grande to extend privilege granted by our Authority No. 133.
149	Oct. 6	Authorizing Chicago, Rock Island & Pacific Ry. to make rate of 10½ cents per cwt., on potatoes from Simla to Pueblo.
150	Oct. 9	Authorizing Colorado Midland Ry. to make proportional rates on beer, C. L., Denver to Leadville 39 cents, to Aspen and Glenwood 47 cents, and to Grand Junction 52 cents.
151	Oct. 11	Authorizing Union Pacific R. R. to make rate of \$1.75 per ton, C. L., on hay and alfalfa, Iliff and Balzac and intermediate points to Eaton.
152	Oct. 13	Authorizing Colorado & Southern Ry. to make rate of \$5.50 per ton, C. L., on coke, Trinidad district to Alma.
153	Oct. 13	Authorizing Denver & Rio Grande R. R. to make rate of 75 cents per ton on petroleum residue, C. L., Florence to Blende. (Cancelled by D. & R. G. October 14.)
154	Oct. 14	See Authority No. 162.
155	Oct. 14	Authorizing Chicago, Burlington & Quincy R. R. to make rate of 10 cents per cwt., C. L., on brick, Denver to Grover.
156	Oct. 15	Authorizing Colorado Midland Ry. to issue supplement to switching tariff carrying rate \$3.00 per car switching oil to new storage tank Continental Oil Co. at Glenwood.
157	Oct. 18	Authorizing Denver & Rio Grande R. R. to make rate of \$30.00 35 foot double deck car on sheep from Pando to Mack, and \$35.00 per car from Leadville to Mack, same rate applying on camp outfit.
158	Oct. 19	Authorizing Colorado Midland Ry. to make rate of \$10.00 per car on threshing machines and outfit between New Castle and Coalridge.
159	Oct. 20	Authorizing Colorado & Southern Ry. to correct typographical error G. F. O. No. 145-F.

Authority No.	Date. 1909.	
160	Oct. 21	Authorizing Colorado & Southern Ry. to make G. F. O. No. 201-G effective State Traffic, November 5, 1909.
161	Oct. 22	Authorizing Denver, N. W. & Pacific Ry. to make rate 50 cents per ton, C. L., on crushed stone, Denver and Utah Junction to Leyden Junction.
162	Oct. 22	Authorizing Union Pacific R. R. to make rate of 3 cents per cwt., C. L., on slag, Denver to Brighton.
163	Oct. 22	Authorizing Colorado Springs and Cripple Creek District R. R. to make rate \$1.00 per ton, C. L., on crushed rock, stations in the Cripple Creek District to Denver.
164	Oct. 25	Authorizing Denver & Rio Grande R. R. to make rate 11¼ cents per cwt., C. L., on ore, value not exceeding \$18.00 per ton, and 12½ cents per cwt., value not exceeding \$30.00, from Creede to Pueblo and Salida.
165	Oct. 28	Authorizing Denver, N. W. & Pacific Ry. to make rate \$2.50 per ton, C. L., on sand, from Denver and Utah Junction to Oak Hills.
166	Oct. 28	Authorizing Denver & Rio Grande R. R. to make rate of 45 cents per cwt., C. L., on apples, Montrose, etc., to Aspen.
167	Oct. 29	Authorizing Colorado & Southern Ry. to make 75% provision as carried in C. & S. Tariff G. F. O. 1-F, Item 396, applicable to shipments of stock cattle, C. L., from Garos to Buena Vista.
168	Nov. 4	Authorizing Chicago, Burlington & Quincy R. R. to amend Switching Absorption Tariff.
169	Nov. 9	Authorizing Denver & Rio Grande R. R. to make rate 16 cents per cwt., C. L., on mine props, Denver to Barnes, in connection with Colorado & S. E. R. R.
170	Nov. 11	Authorizing Wells Fargo & Co. Express to make rates on milk and cream from Larkspur to Canon City 75 cents per cwt.; to Colorado Springs and Manitou 18 cents per cwt., and to Denver and Monument 15 cents per cwt.
171	Nov. 17	Authorizing Denver, N. W. & Pacific Ry. to publish on one day's notice joint rates on coal to stations on Denver, Laramie & N. W. Ry.
172	Nov. 17	Authorizing Denver & Rio Grande R. R. to make rate 70 cents per ton from Calcite to Portland, and 60 cents per ton from Howard to Portland on cement clay, C. L.

Authority No.	Date. 1909.	
173	Nov. 17	Authorizing Chicago, Burlington & Quincy R. R. to make rate 5 cents per cwt., C. L., on crushed stone from Lyons to Eno, Barr and Hudson, Colorado.
174	Nov. 18	Authorizing Colorado & Southern Ry. to correct typographical error in G. F. O. No. 1347-D.
175	Nov. 18	Authorizing Union Pacific R. R. to make rate 50 cents per net ton on sugar beets, from Canfield and Liggett through to Longmont in connection with C. B. & Q. R. R.
176	Nov. 19	Authorizing Chicago, Burlington & Quincy R. R. to make rate 50 cents per net ton, C. L., on gravel from Derby to Eno, Barr and Hudson.
177	Nov. 24	Authorizing Colorado & Southern Ry. to make rate 3½ cents per cwt., C. L., on low grade crude ore from Georgetown to Idaho Springs.
178	Nov. 24	Authorizing Denver & Rio Grande R. R. to make rate \$50.00 per car—standard gauge 36 foot car—on grading outfit and horses, from Moffat to Colorado Springs.
179	Nov. 24	Authorizing Colorado & Southern Ry. to make rate 4 cents per cwt., C. L., on mica ore from Morrison to Denver.
180	Nov. 26	Authorizing Chicago, Burlington & Quincy R. R. to make rate 50 cents per ton, C. L., on coal from Lafayette to Boulder in connection with C. & S. Ry. via Burns Junction.
181	Nov. 26	Authorizing Denver & Rio Grande R. R. to make rate \$3.50 per ton, C. L., on anthracite coal from Crested Butte to Denver.
182	Dec. 4	Authorizing Denver & Rio Grande R. R. to haul free of charge one car of coal from Strong to Denver for the Missionary Sisters of the Sacred Heart of Jesus.
183	Dec. 7	Authorizing Denver & Rio Grande R. R. to amend G. F. D. No. 4350 to make joint rate on coke in connection with Colorado & S. E. R. R.
184	Dec. 14	Authorizing Denver, N. W. & Pacific Ry. to make ½ rate on water works plant for town of Yampa.
185	Dec. 15	Authorizing Denver & Rio Grande R. R. to make rate of \$1.50 per ton, C. L., on coal from Cameo to Loma.
186	Dec. 20	Authorizing Denver & Rio Grande R. R. to make rate \$50.00 per car on grading outfit from Carbondale to Colorado Springs.

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- 187 Dec. 20 Authorizing Colorado & Southern Ry. to make rates \$1.50 per ton on ore value not exceeding \$50.00 per ton, and \$2.80 value exceeding \$50.00 per ton, from Ohio City to Gunnison.
- 188 Dec. 20 Authorizing Colorado Midland R. R. to make rate \$1.30 per ton, C. L., on coal from Cameo to Loma.
- 189 Dec. 20 Authorizing Colorado & Southern Ry. to make rate of 2½ cents per cwt., C. L., on rubble stone from Arkins, etc., to Ish Spur.
- 190 Dec. 22 Authorizing Denver & Rio Grande R. R. to make rate \$6.25 per net ton, C. L., on fuel oil, from Colorado Common Points to Wilson.
- 191 Dec. 23 Authorizing Denver & Rio Grande R. R. to make ½ rate on seed wheat, C. L., and L. C. L., from Denver, Trinidad and intermediate points, to points in the San Luis Valley.
- 192 Dec. 23 Authorizing Denver & Rio Grande R. R. to make rate 2½ cents per cwt., C. L., on clay, Crane's Park to Leadville.
- 193 Dec. 24 Authorizing Denver & Rio Grande R. R. to make rates on locomotives on their own wheels, 15 cents per cwt., from Denver, Colorado Springs and Pueblo to Blanca, and 10 cents per cwt. from Walsenburg to Blanca.
- 194 Dec. 24 Authorizing Denver & Rio Grande R. R. to publish proportional rates on ores and concentrates value not exceeding \$50.00 per ton from Gunnison to Salida when originating at Ohio City and Pitkin, Colorado.
- 195 Dec. 27 Authorizing Denver & Rio Grande R. R. to make rate 7 cents per cwt., C. L., on lumber, logs and mine props, from Wheeler to Leadville.
- 196 Dec. 27 Authorizing Colorado & Wyoming R. R. to make rate 7 cents per cwt., C. L. on hay and grain.
- 197 Dec. 30 Authorizing Colorado & Southern Ry. to make rule covering grain in transit privilege, re-consigning at Denver, oats from Falcon when destined to Leadville.
- 198 Dec. 30 Authorizing Denver & Rio Grande R. R. to make rate 23 cents per cwt., C. L. on beer, Golden and Denver to Trinidad.
- 199 Dec. 30 Authorizing Denver & Rio Grande R. R. to incorporate in Tariffs No. 4901 and No. 1406 Classification of Coal to apply between stations on Rio Grande Southern Ry.

(FILE 70-C) AUTHORIZING EXCEPTIONS TO EXPRESS CLASSIFICATION.

Authority No.	Date. 1909.	
1	July 19	Authorizing United States Express Co. to put in force Exceptions to Classification No. 19.
2	July 26	Authorizing Adams Express Co. to put in force certain Exceptions to Classification No. 19, substituting new paragraphs (a), (b) and (c) of Rule 11.
3	July 28	Authorizing Adams Express Co. to make effective in this State on August 1, 1909, Items 2 and 3 of Adams Express Co.'s Sup. No. 1 to Official Express Classification No. 19.

SPECIAL ORDERS ISSUED FOR THE YEAR 1910.

Authority No.	Date. 1910.	
200	Jan. 4	Authorizing D. & R. G. R. R. to make rate of 18 cents per cwt. on mine props, C. L., minimum weight 30,000 pounds, Denver to Carbondale, when originating at stations on the D., N. W. & P. Ry.
201	Jan. 4	Authorizing D., L. & N. W. Ry. to run special train on January 6, instant, Denver to Milliken, minimum revenue for service \$200.00.
202	Jan. 6	Authorizing D. & R. G. R. R. to make rate of 21½ cents per cwt. on sulphuric acid, C. L., in tank cars, minimum marked capacity of car, from Louviers to Pueblo and Minnequa.
203	Jan. 7	Authorizing C. & S. Ry. to make rate of \$2.50 per ton, C. L., on slack coal from Toller mine to Tobasco.
204	Jan. 7	Authorizing D. & R. G. R. R. to rate macaroni in fifth class, C. L., minimum weight 20,000 pounds, from Florence to Denver, Colorado Springs, Pueblo, Trinidad and Walsens.
205	Jan. 10	Authorizing D. & R. G. R. R. to publish demurrage and storage charges at stations on Rio Grande So. Ry. the same as are applicable at stations on the D. & R. G. in Colorado except those West of Grand Junction.
206	Jan. 11	Authorizing C. S. & C. C. Dist. Ry. to make rate of \$1.25 per ton on crushed rock, C. L., from stations in the Cripple Creek District to Denver.

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- 207 Jan. 11 Authorizing F. & C. C. R. R. to make rate of 40 cents per ton on gypsum rock, C. L., from Ora Junta and Cramer to Florence.
- 208 Jan. 11 Authorizing Colorado Midland Ry. to make rate of 4 cents per cwt. on sand, C. L., minimum weight 40,000 pounds, Glenwood to Sunlight.
- 209 Jan. 13 Authorizing D. & R. G. R. R. to make rate of \$1.25 per ton of 2,000 pounds on gypsum rock, C. L., minimum marked capacity of car, from Pleasanton to Minnequa.
- 210 Jan. 13 Authorizing D. & R. G. R. R. to make rate of 10 cents per cwt. on sawdust, C. L., minimum 16,000 pounds, from Rockwood to Ignacio.
- 211 Jan. 13 Authorizing D. & R. G. R. R. to make rate of 10 cents per cwt. on pit cars, C. L., minimum weight 24,000 pounds, Walsenburg to Tropic and to protect under said rate one shipment which has already moved.
- 212 Jan. 15 Authorizing D. & R. G. R. R. to make rate of 25 cents per ton, C. L., minimum 50,000 pounds, on ice (except where cars are loaded to visible capacity, in which event actual weight will apply, subject to minimum charge of \$5.00 per car) from Monument to Palmer Lake.
- 213 Jan. 18 Authorizing Colorado Midland Ry. to amend its Amendment No. 7 to C. R. C. No. 69, Item 68-A, so as to read "Fertilizer, including ashes, cinders and sawdust, straight or mixed, C. L., minimum 40,000 pounds."
- 214 Jan. 18 Authorizing D. & R. G. R. R. to make rate of 8 cents per cwt., C. L., on stone, minimum weight marked capacity of car, Coal Creek to Salida.
- 215 Jan. 21 Authorizing D. & R. G. R. R. to make rate of 15 cents per cwt. on canned goods, Pueblo to Walsen and Trinidad.
- 216 Jan. 24 Authorizing D. & R. G. R. R. to make rates as shown in its Amendment 4 to G. F. D. No. 4620-A apply on ore and concentrates and to re-issue said Amedment 4 carrying same rates on ore and concentrates from Creede to Pueblo, Minnequa and Blende, 11¼ cents per cwt., C. L., gross value not exceeding \$8.00 per ton, and 12½ cents per cwt., C. L., gross value \$30.00 per ton.

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- 217 Jan. 26 Authorizing Union Pacific R. R. to make rate of 8 cents per cwt., C. L., minimum 40,000 pounds, on bulk wheat, Kuner to Greeley, plus \$5.00 per car for privilege of stopping at Kersey to finish loading, and to protect under said rate one car already shipped.
- 218 Jan. 27 Authorizing D. & R. G. R. R. to make rate of 20 cents per cwt. on ore and concentrates, agreed value not exceeding \$100.00 per ton, between Parlin, Pueblo, Minnequa and Blende.
- 219 Jan. 28 Authorizing D. & R. G. R. R. and Colorado Midland Ry. to make joint rate on sheep, \$71.55 per 36 foot car, from Denver to Mack.
- 220 Jan. 29 Authorizing D., L. & N. W. Ry. to publish on one day's notice, tariffs applying between newly established stations on its line and stations on the Great Western Ry. in Colorado.
- 221 Feb. 2 Authorizing D. & R. G. R. R. to make rate of \$2.00 per ton, C. L., on coal, Cameo to Ibex, and to all points on the Ibex Branch.
- 222 Feb. 3 Authorizing D., L. & N. W. Ry. to publish rates on milk and cream between points on its line in Colorado, using basis prescribed by the I. C. C. in its order January 6, 1909.
- 223 Feb. 3 Authorizing D., L. & N. W. Ry. to make rate of 3 cents per cwt., C. L., minimum 40,000 pounds, on stone, rubble and spawls, Denver to Boulder Valley Junction, and intermediate stations.
- 224 Feb. 3 Authorizing D. & R. G. R. R. to make third class rates apply on mixed C. L. household goods, second-hand store fixtures, groceries, dry goods, hardware and junk of various kinds, Redstone to Rifle.
- 225 Feb. 7 Authorizing Union Pacific R. R. to protect rate of 50 cents per ton, C. L., minimum marked capacity of car, on gravel, Denver to Dacono, on all such shipments moving between February 5th, instant, and publication of U. P. Tariff carrying such rate.
- 226 Feb. 5 Authorizing D., L. & N. W. Ry. to make $\frac{1}{2}$ rates on groceries and provisions for use of boarding outfits and construction gangs.
- 227 Feb. 7 Authorizing C. & S. Ry. to make rate of $3\frac{1}{2}$ cents per cwt. on ice, C. L., in train lots, from its stations, Kline to Morrison, inclusive, to Denver, for storage in ice houses located on C. & S. Ry. terminals at Sheridan Junction and Denver.

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- 228 Feb. 8 Authorizing D. & R. G. R. R. to make rate of 5 cents per cwt. on lumber and mine timbers, Phillips Spur to Creede.
- 229 Feb. 10 Authorizing C. & S. Ry. to make rates on slack coal, C. L., from Berwind to Segundo and Tercio 35 cents per ton of 2,000 pounds, and from Cox Mine to Segundo and Tercio 25 cents per ton 2,000 pounds.
- 230 Feb. 14 Authorizing D. & R. G. R. R. to make rate of 8 cents per cwt., C. L., on grain, from Pueblo to Carlile.
- 231 Feb. 14 Authorizing D., N. W. & P. Ry. to publish rates from stations on its line to stations on the D., L. & N. W. Ry. (which road is now under construction) on less than 30 days' notice.
- 231A Feb. 15 Authorizing D. & R. G. R. R. to make rate of \$1.50 per ton on gas-house coke, C. L., from Pueblo to Colorado Springs, and to protect under said rate two such C. L. already moved.
- 232 Feb. 14 Authorizing D. & R. G. R. R. to make rate of 40 cents per ton, C. L., minimum 40,000 pounds, on gypsum rock, Florence to Concrete.
- 232A Feb. 17 Authorizing Colorado Midland Ry. to make rate on plaster from Reudi to Portland by amending its Tariff No. 1940-C, Item 29 of Sup. 13, 11 cents per cwt. to Portland as aforesaid.
- 233 Feb. 19 Authorizing C. & S. Ry. to make rate of 60 cents per ton on clay, C. L., minimum marked capacity of car, Boulder to Denver.
- 234 Feb. 21 Authorizing D. & R. G. R. R. to make rate of \$20.00 per 36 foot car on cattle and horses, straight or mixed C. L., Hotchkiss to Iola.
- 235 Feb. 21 Authorizing C. & S. Ry. to make rate of 2½ cents per cwt., C. L., on rubble stone, minimum 40,000 pounds, from Arkins, Neville Spur, Wild Spur, Lowry, Apgar Spur, Rist and Whipple, to Highland.
- 236 Feb. 23 Authorizing D. & R. G. R. R. to make rate of 29 cents per cwt., C. L., minimum 24,000 pounds, on machinery, second-hand, tools, contractor's outfit, from Shoshone to Denver.
- 237 Feb. 23 Authorizing D. & R. G. R. R. to make following rates on lime and sulphur solution, C. L., minimum 30,000 pounds, from Grand Junction to Delta 10 cents, Austin 11 cents, Hotchkiss 13 cents, Paonia 14 cents, Olathe 11 cents, Montrose 12 cents per 100 pounds.

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- 238 Feb. 24 Authorizing D. & R. G. R. R. to publish amendment to its Tariff No. 132-A carrying charge of \$2.00 per car switching anthracite pea coal from West Denver yards to C., B. & Q. transfer at Denver.
- 239 Feb. 26 Authorizing C. & S. Ry. to make rate of 2½ cents per cwt. on sand, C. L., minimum marked capacity of car, Denver to Golden.
- 239A Feb. 28 Authorizing C. & S. Ry. to make rate of \$1.50 per ton 2,000 pounds, C. L., on soft coal, Leadville to Robinson.
- 240 Mch. 3 Authorizing Union Pacific R. R. to make rate of 50 cents per ton. C. L., on gravel from Denver to Eastlake.
- 241 Mch. 3 Authorizing D. & R. G. R. R. to protect under rate of 5 cents, as published in its Sup. 4 to L. F. T. 4900 effective March 12th, instant, one car of pebbles moving between Pueblo and Portland since said rate was published.
- 242 Mch. 3 Authorizing D. & R. G. R. R. to make rate of \$1.25 per ton, C. L., on ice, from Pando to DeBeque and Nigger Hill, and to protect under said rate two C. L., which have already moved.
- 243 Mch. 3 Authorizing D. & R. G. R. R. to make rate of 5 cents per cwt., C. L., minimum marked capacity of car, on concrete filler, from Minnequa to Denver.
- 244 Mch. 5 Authorizing D. & R. G. R. R. to make rate of 22½ cents per cwt., C. L. or L. C. L., on seed wheat, from Denver to Montrose.
- 245 Mch. 8 Authorizing Colorado Midland Ry. to amend its tariff C. R. C. No. 9 effective at once, so as to read: "Minimum weight on hay full visible capacity of car."
- 246 Mch. 8 Authorizing D. & R. G. R. R. to make rate of 20 cents per cwt. on seed peas, in sacks, C. L., minimum 24,000 pounds, from Denver, Pueblo, etc., to San Luis Valley points.
- 247 Mch. 15 Authorizing D., L. & N. W. R. R. to make rate of \$1.50 for adults round trip on excursion Denver to Milliken—said rate to be maximum for Denver and intermediate points—March 20, 1910.
- 248 Mch. 16 Authorizing D., L. & N. W. Ry. to make one-half rates and also certain free rates on provisions and groceries consigned to section foremen and telephone construction to be used by company boarding houses in connection with construction work.

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- 249 Mch. 17 Authorizing D., L. & N. W. Ry. to amend its Tariff F-3 so as to read "No. 1 will not apply on traffic handled in refrigerator or tank cars. No. 2 will not apply unless capacity or dimension of car ordered is one that is in the general service."
- 250 Mch. 18 Authorizing D. & R. G. R. R. to make rate of \$50.00 per car on graders' outfit, live stock, tools, camp equipment, etc., from Denver, Colorado Springs and Pueblo, to San Acacio and Blanca, in connection with the San Luis So. Ry.
- 251 Mch. 18 Authorizing San Luis So. Ry. to publish on less than statutory notice local rates between stations on its line to and from which no rates have previously applied.
- 252 Mch. 22 Authorizing D. & R. G. R. R. to make rates on coal, nut, lump, egg, mine run and blacksmith 90 cents and slack 75 cents, per ton 2,000 pounds, from Canon City group of mines to Carlile.
- 253 Mch. 23 Authorizing D. & R. G. R. R. and Colorado So. Ry. to make rates of 15 cents per cwt. on fresh meats, and 12 cents per cwt. on packing house products. C. L., from Pueblo to Trinidad.
- 254 Mch. 24 Authorizing F. & C. C. R. R. to make effective at once its L. F. T. No. 225 carrying rate of 38 cents per cwt. on apples, C. L., minimum 24,000 pounds, Canon City to Anaconda, Cripple Creek, Goldfield and Victor.
- 255 Mch. 24 Authorizing D. & R. G. R. R. to make rate of \$45.00 per narrow gauge car, on emigrant movables, from Hooper to Placerville.
- 256 Mch. 25 Authorizing C. & S. Ry. to make rate of 15 cents per cwt. on wax distillate in tank cars, Boulder to Florence, in connection with A. T. & S. F. and D. & R. G.
- 257 Mch. 26 Authorizing D. & R. G. R. R. to make rate of 15 cents per cwt. on rough building stone, C. L., minimum 40,000 pounds, from Hierro to Burnham, Colorado Springs, Denver, Minnequa and Pueblo, and to protect under said rate several shipments which have recently moved.
- 258 Mch. 26 Authorizing C. & S. Ry. to make rate of \$86.50 per 36 foot car on Elk, Ft. Collins to Tercio.

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- 259 Mch. 28 Authorizing C. & S. Ry. to make rates on mine props, mine ties and timbers and car door boards from points between Elizabeth and Eastonville, both inclusive, of 12½ cents per cwt. to points in the Walsenburg district, and 15 cents per cwt. to points in the Trinidad district.
- 260 Mch. 29 Authorizing C. & S. Ry. to make rate of 50 cents per net ton, C. L., on lime rock from Garos and Fairplay to Alma.
- 261 Mch. 30 Authorizing D. & R. G. R. R. and Colorado Midland Ry. to make rate \$2.25 per ton on ore and concentrates, gross valuation not exceeding \$18.00 per ton, from Aspen to Pueblo, Minnequa and Blende, and to protect under said rate all such shipments moving on and subsequent to March 17, 1910.
- 262 Mch. 30 Authorizing D. & R. G. R. R. and A., T. & S. F. Ry. to make rate of 15 cents per cwt. on vinegar stock, C. L., minimum 40,000 pounds, from Canon City to Denver.
- 263 Mch. 31 Authorizing Colorado Midland Ry. to make rate of 30 cents per cwt. on lumber and articles taking lumber rates, including pipe staves and material, from Canon City to DeBeque.
- 264 Mch. 31 Authorizing Colorado Midland Ry. to make rate of \$1.00 per ton, C. L., on steam coal from Becker's Spur, etc., to Aspen, and to protect under said rate all such shipments moving on and subsequent to March 18, 1910.
- 265 Apr. 1 Authorizing D. & R. G. R. R. to make rates on coal, C. L., from Pikeview and Carlton to stations Denver to Monument, both inclusive, lump 90 cents, mine run 80 cents and on slack 75 cents per ton of 2,000 pounds.
- 266 Apr. 1 Authorizing D. & R. G. R. R. to make rate on anthracite coal from Anthracite, Florence and Crested Butte to Pueblo, Minnequa, Colorado Springs, Colorado City and Manitou of \$3.25 per ton, and from same points to Littleton, Ft. Morgan, Burnham and Denver of \$3.50 per ton.
- 267 Apr. 2 Authorizing D. & R. G. R. R. to make one-half rate of the published rate Joint Freight Tariff No. 4901 on seed potatoes, C. L., Montrose to Dolores.
- 268 Apr. 6 Authorizing C. & S. Ry. to make rate of 2½ cents per cwt., C. L., minimum marked capacity of car, on clay, Marshall to Denver.

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- 270 Apr. 5 Authorizing D., N. W. & P. Ry. to make rate one-half the published tariff on shipment of agricultural implements for employe of company, Denver to Fraser.
- 271 Apr. 7 Authorizing D. & R. G. R. R. to make rate of 6 cents per cwt., C. L., on ties, from Canon City to Concrete, and to protect under said rate one car already moved.
- 272 Apr. 7 Authorizing D. & R. G. R. R. and A., T. & S. F. Ry. to make rate of 70 cents on slack coal, and \$1.00 all other grades of coal, per ton, C. L., from Canon City District to Pueblo.
- 273 Apr. 9 Authorizing D., N. W. & P. Ry. to make rate of 12½ cents per cwt., C. L., minimum 30,000 pounds, on ties, from Western Slope stations to Denver and to protect under said rate one car already moved from Tabernash.
- 274 Apr. 9 Authorizing C. & S. Ry. to make rates soft coal 90 cents, run of mine 80 cents and slack 75 cents per ton from Colorado Springs to Denver.
- 275 Apr. 11 Authorizing D. & R. G. R. R. to make rate of 25 cents per ton on coal from Creede to North Creede.
- 276 Apr. 11 Authorizing D. & R. G. R. R. to make one-half rate on seed potatoes, C. L., minimum 30,000 pounds, from Pueblo to stations Unawep to Montrose, and also stations on its North Fork Branch, Delta to Somerset.
- 277 Apr. 14 Authorizing D. & R. G. R. R. to make rate of 3 cents per cwt. on lumber, C. L., minimum 30,000 pounds, from Hillside to Westcliffe.
- 279 Apr. 14 Authorizing D. & R. G. R. R. to make rate of 75 cents per ton, C. L., on slack coal, Colorado Springs to Denver, and to protect under said rate one shipment moving April 11th, instant.
- 280 Apr. 16 Authorizing D. R. G. R. R. to issue amendment to its tariff No. 4900 making minimum 16,000 pounds on traffic to and from Tropic.
- 281 Apr. 16 Authorizing D. & R. G. R. R. to make rate of 25 cents per cwt., C. L., on cement, from Concrete to Robinson, in connection with the C. & S. Ry.
- 282 Apr. 22 Authorizing D., N. W. & P. Ry. to make rate of 5 cents per cwt. on brick, gravel and sand, straight C. L., minimum 60,000 pounds, Denver to Crag.

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- 283 Apr. 26 Authorizing D. & R. G. R. R. to make rate of \$25.00 per 36 foot car on sheep, Mack to New Castle.
- 284 Apr. 29 Authorizing D. & R. G. R. R. to make rate of \$5.50 per ton, C. L., on coke, Crested Butte to Telluride.
- 285 May 2 Authorizing D. & R. G. R. R. to make rate of 20 cents per cwt., C. L., minimum 40,000 pounds, on brick, Pueblo, Canon City and Fuego to Antonito, La Jara, Romeo, Alamosa and Moffat.
- 286 May 3 Authorizing Mo. Pac. Ry. to make rate of 15 cents per cwt., C. L., minimum 24,000 pounds, on corn and oats, Ordway and Olney Springs to Trinidad.
- 287 May 4 Authorizing Colorado Midland Ry. to make rate of 8 cents per cwt. on brick from Grand Junction to New Castle, Glenwood and intermediate points.
- 288 May 5 Authorizing Globe Express Co. to make rate of 28 cents per cwt. on cream and milk between De Beque and Grand Junction, and 20 cents per cwt. between Cuchara and La Veta.
- 289 May 5 Authorizing D. & R. G. R. R. to make rate of \$1.00 per ton on pyrites cinders, declared value not exceeding \$20.00 per ton, C. L., minimum 30,000 pounds, Louviers to Pueblo.
- 290 May 5 Authorizing D. & R. G. R. R. to make rate of \$1.00 per ton 2,000 pounds, on ore, gross value not exceeding \$10.00 per ton, C. L., minimum 24,000 pounds, Belleview to Buena Vista.
- 291 May 5 Authorizing D. & R. G. R. R. to make rate of 30 cents per cwt., C. L., minimum 12,000 pounds, on emigrant movables, from Durango to all stations on the Rio Grande So. Ry., Hoggs to Ridgway, inclusive, and all stations on the Telluride-Pandora Branch; and from Ridgway to all stations on the Rio Grande S. Ry., Ophir to Durango, inclusive, and all stations on the Telluride-Pandora Branch.
- 292 May 5 Authorizing D. & R. G. R. R. to make rate on coal from Rockland to stations in Colorado on the D. & R. G., same basis of Group 2, scale of rates, Walsen schedule, as carried in its Tariff C. R. C. 48.
- 293 May 5 Authorizing D. & R. G. R. R. to make rate of 8 cents per cwt., C. L., minimum 50,000 pounds, on brick between Grand Junction and Glenwood and intermediate points.

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- 294 May 7 Authorizing Colorado Midland Ry. to make rate of 10 cents on ore and concentrates, reduced value not exceeding \$100.00 per ton, from Arkansas Junction to Leadville, and to protect under said rate one shipment moving April 13, 1910.
- 295 May 7 Authorizing D. & R. G. R. R. to make rate of 70 cents per ton on slack coal and \$1.00 per ton on all other grades of coal from Canon City District to Minnequa, and to protect under said rate all such shipments moving on and subsequent to April 8, 1910.
- 295A May 7 Authorizing Colorado Midland Ry. Co. to make rate of 18 cents per cwt. on common, pressed or fire brick, C. L., minimum 50,000 pounds, from Golden, Denver, Colorado Springs and Pueblo to Buena Vista.
- 296 May 10 Authorizing D. & R. G. R. R. and C. & S. Ry. to make rate of 7½ cents per cwt. on cast iron pipe, C. L., minimum 30,000 pounds, Minnequa to Walsenburg.
- 297 May 10 Authorizing D. & R. G. R. R. to re-establish rates as carried in its G. F. S. No. 4904-A, viz.: \$1.25 per ton to Leadville, and \$1.75 per ton to Salida, on ore, gross value not exceeding \$12.00 per ton of 2,000 pounds, minimum 24,000 pounds, from Red Cliff, Belden and Rock Creek.
- 298 May 11 Authorizing D. & R. G. R. R. to make rate of \$2.25 per ton on slag, gross value not exceeding \$10.00 per ton, and \$2.50 per ton gross value not exceeding \$25.00 per ton, Grand Junction to Salida.
- 299 May 11 Authorizing D. & R. G. R. R. to make rates on railway equipment per vehicle, between Denver, Colorado Springs and Ridgway, Passenger Coaches, N. G., between Denver and Ridgway.....\$56.70
 Passenger Coaches Colorado Springs and Ridgway 45.45
 Baggage, mail or express cars, N. G., Denver and Ridgway..... 37.80
 Baggage, mail or express cars, N. G., Colorado Springs and Ridgway..... 30.30
 Freight cars, N. G., Denver and Ridgway.. 18.90
 Freight cars, N. G., Colorado Springs and Ridgway 15.15
 Locomotives, N. G., Denver and Ridgway... 75.60
 Locomotives, N. G., Colorado Springs and Ridgway 60.60

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300	May 13	Authorizing D. & R. G. R. R. to make rate of \$30.00 per car on sheep, double deck, and camp outfit, Mack to Tennessee Pass.
301	May 16	Authorizing D. & R. G. R. R. to make rate of 18 cents per cwt. on brick, common, pressed or fire, minimum 50,000 pounds, Denver, Colorado Springs, Fuego, Pueblo and Canon City to Buena Vista.
302	May 16	Authorizing D. & R. G. R. R. to make rate of 12 cents per cwt. on brick, common or pressed, C. L., minimum 25,000 pounds, Montrose to Gunnison.
303	May 14	Authorizing D. & R. G. R. R. to establish minimum weight of 7,000 pounds on mattresses and furniture, mixed C. L., from Denver, Colorado Springs, Pueblo and Trinidad, to stations on its main line West of Salida to and including Shale.
304	May 16	Authorizing Crystal River R. R. to make rate of \$10.00 per car on cattle, Carbondale to Placita.
305	May 21	Authorizing D. & R. G. R. R. to make rate of \$1.00 per ton, C. L., minimum 30,000 pounds, on zinc residue, valuation not exceeding \$100.00 per ton, Blende to Denver.
306	May 23	Authorizing Colorado Midland Ry. to publish in an amendment to its Tariff 1939-D an exception to Western Classification allowing mattresses and furniture in mixed C. L., minimum weight 7,000 pounds, to move under third class rates between Denver, Colorado Springs, Pueblo and Trinidad to all points on its line, and to protect thereunder all shipments moving on and subsequent to May 16, instant.
307	May 23	Authorizing D. & R. G. R. R. to make rate of 17 cents per cwt., C. L., on lumber, Westcliffe to Cripple Creek District.
308	May 23	Authorizing Wells Fargo & Co. Express to make rate of 28 cents per cwt. on cream when value is released to milk valuation, between DeBeque and Grand Junction.
309	May 23	Authorizing D. & R. G. R. R. to make rate of 20 cents per cwt., C. L., on lumber, Glencoe to Gunnison in connection with the Rio Grande So. Ry.
310	May 23	Authorizing D. & R. G. R. R. to make free rate on shipment of household goods, Denver to Loma, consigned to C. C. Lyman, in recognition of advertising services rendered the State and the Company.

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| 311 | May 24 | Authorizing Colorado & So. Ry. to make rate of 25 cents per ton, C. L., on coal from Gorham and Industrial mines to Lafayette. |
| 312 | May 31 | Authorizing D. & R. G. R. R. to make rate of \$50.00 per car on graders' outfit, San Acacio to Colorado Common Points, and to protect under said rate one shipment moving May 23, 1910. |
| 313 | June 1 | Authorizing C., B. & Q. R. R. to make rate of 10 cents per ton, minimum \$3.00 per car, switching slack coal from Lafayette to Louisville. |
| 314 | June 1 | Authorizing D., L. & N. W. Ry. to make rate of 1 1-3 standard fare for round trip on all stations on its line to Greeley, and return, same to apply from ticket agency stations only, June 5th and June 9th, instant, return limit one day from date of sale, continuous passage in each direction. |
| 315 | June 2 | Authorizing D. & R. G. R. R. to make rate of 75 cents per ton, C. L., on coke braize, Hastings, Colorado Ovens to Blende. |
| 316 | June 2 | Authorizing D. & R. G. R. R. to make rate of 6 cents per cwt. on mine props, minimum 24,000 pounds, from Hillside to Canon City, and to protect under said rate all such shipments moving on and subsequent to May 9, 1910. |
| 317 | June 3 | Authorizing D., L. & N. W. Ry. to make rate one and one-third fare for round trip from all stations on its line to Greeley, tickets on sale June 10th, limit June 11th, instant. |
| 318 | June 3 | Authorizing D., N. W. & P. Ry. to make rate of 5 cents per cwt., C. L., minimum marked capacity of car, on brick, Swadley to Greeley, via D., L. & N. W. Ry. |
| 319 | June 3 | Authorizing D., L. & N. W. Ry. to make Sunday excursion rates one fare round trip all stations on its line to and including Greeley to Denver and return, except from certain stations rate to be slightly reduced to meet rates in effect by competing lines. |
| 320 | June 4 | Authorizing C. & S. Ry. to make rate of \$1.75 per ton, C. L., on ore, value not to exceed \$100.00 per ton, Keystone to Leadville. |
| 321 | June 4 | Authorizing D. & R. G. R. R. to make rate of \$7.75 per ton on ore, C. L., value not exceeding \$100.00 per ton, Silverton to Buena Vista in connection with Rio Grande So. Ry., and to protect under said rate all such shipments moving on and subsequent to May 21, 1910. |

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- 322 June 4 Authorizing D. & R. G. R. R. to make rate of 27½ cents per cwt. on zinc ore, C. L., also on zinc concentrates containing not less than 20% zinc, gross valuation not exceeding \$25.00 per ton, Silverton to Buena Vista, and to protect under said rate the shipments already moved.
- 323 June 4 Authorizing D. & R. G. R. R. to make rate of \$5.50 per ton, C. L., on zinc tailings, gross valuation not exceeding \$12.00 per ton, Eureka to Buena Vista.
- 324 June 4 Authorizing D. & R. G. R. R. to apply rate of 20 cents per ton as published in Sup. 25 to Tariff 132-A, Item 235 effective June 29th, instant, on C. L. freight switched at Grand Junction coal yard moving between 3d and 29th, instant.
- 325 June 9 Authorizing Union Pacific R. R. to make rate of 4½ cents per cwt. on brick, C. L., minimum 80,000 pounds, Boulder to Ft. Lupton.
- 326 June 9 Authorizing Great Western Ry. to publish commodity rates on brick, C. L., from Welty to all points on its line effective at once.
- 327 June 9 Authorizing C. & S. Ry. to cancel Sup. 3 to its G. F. O. 807-F and to re-establish rates as carried in its G. F. O. 807-F on cement and plaster, straight and mixed C. L., from Concrete and Portland to various State points (being approximately a reduction of 2½ cents per cwt. of rates as carried in said Sup. 3).
- 328 June 9 Authorizing D. & R. G. R. R. to make reduced rates on cement, C. L., minimum 24,000 pounds, from Durango and Ridgway to stations of Rio Grande So. Ry.
- 329 June 9 Authorizing D. & R. G. R. R. to make rates on ores and concentrates, C. L., Ouray to Buena Vista, \$5.00 per ton agreed valuation not exceeding \$100.00 per ton; and \$4.50 per ton actual gross value not exceeding \$25.00 per ton.
- 330 June 9 Authorizing D. & R. G. R. R. to haul one car fruit wrapping paper at less than published rate of 50 cents per cwt., minimum 50,000 pounds, Denver to Delta and Montrose, stopping said car at Delta to partly unload at charge of \$5.00 for extra service.

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| 331 | June | 9 | Authorizing D., L. & N. W. Ry. to publish excursion rates account State Sunday School Association one and one-third fares for round trip, between all stations on its line and Denver, selling dates 13th and 14th inst., limit 18th inst. |
| 332 | June | 9 | Authorizing D., L. & N. W. Ry. to publish excursion rates one and one-third fares round trip, account National Congress of Mothers, selling dates 10th and 11th inst., from all stations on its line to Denver, final return June 16th, inst. |
| 333 | June | 9 | Authorizing D. & R. G. R. R. to switch merchandise from the Nave-McCord Mercantile Co.'s old warehouse some 300 or 400 feet distant to their new warehouse in the Denver yards, at \$3.00 per car. |
| 334 | June | 10 | Authorizing D. & R. G. R. R. to make rate of \$20.00 per car, 36 ft. double deck, on sheep, between Garland and Creede and intermediate points. |
| 335 | June | 11 | Authorizing D. & R. G. R. R. to make rate of 25 cents per cwt. on vinegar stock, C. L., in tank cars, Fruita to Denver. |
| 336 | June | 13 | Authorizing D., L. & N. W. Ry. to publish account Summer term State Normal School, Greeley, June 21 to July 29, rate one and one-third fare for round trip, certificate plan. |
| 337 | June | 13 | Authorizing Colorado Midland Ry. to protect rate of 25 cents per cwt. on 600 sacks cement, covered by Portland-Silt waybill No. 18, March 4, 1910. |
| 338 | June | 15 | Authorizing Colorado Midland Ry. to make rates on ore, Leadville to Buena Vista, and intermediate points, \$1.50 per ton \$12.00 valuation, \$2.00 per ton \$100.00 valuation and \$6.00 per ton over \$100.00 valuation. |
| 339 | June | 16 | Authorizing Colorado Midland Ry. to make rate of 10 cents per cwt. on lumber, C. L., minimum 40,000 pounds, from Norrie and other points in immediate vicinity located on Frying Pan River to Silt, and 11 cents to Rifle. |
| 340 | June | 16 | Authorizing D. & R. G. R. R. to make rate of \$1.00 per ton, C. L., on slack coal, Tobasco to Hearon, Rouse, Walsen and Pictou. |
| 341 | June | 16 | Authorizing D. & R. G. R. R. to make rate of 20 cents per ton, minimum of \$3.00 per car, switching charges on run of mine coal from Walsen to Solar, now called Rockland, about 2 miles. |

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- 342 June 17 Authorizing D. & R. G. R. R. to make rate of 9 cents per cwt., minimum weight 50,000 pounds, on brick, Grand Junction to Carbondale.
- 343 June 17 Authorizing D. & R. G. R. R. to make rate of \$1.00 per ton on ore, agreed value not exceeding \$100.00 per ton, Riverside to Buena Vista.
- 344 June 18 Authorizing C. & S. Ry. to make rates on pea and slack coal from stations in Walsen district to Eaton and Greeley \$2.00 per ton; on coal other than pea and slack \$2.70 per ton. From stations in the Trinidad district to Eaton and Greeley on pea and slack \$2.10 per ton, and on coal other than pea and slack \$2.95 per ton.
- 345 June 18 Authorizing Colorado Midland Ry. and D. & R. G. R. R. to make rate of 40 cents per cwt., C. L., minimum 30,000 pounds, and 70 cents, L. C. L., on crude arsenic, in barrels, from Colorado Common Points to Grand Junction.
- 346 June 21 Authorizing D., L. & N. W. Ry. to amend its Tariff No. F-3, Sheet 61, changing its absorption clause, and to enlarge list of commodities upon which switching charges are absorbed.
- 347 June 21 Authorizing D. & R. G. R. R. to make rate of 50 cents per ton, C. L., on coal, Tropic to La Veta, and to protect under said rate several cars already moved.
- 348 June 22 Authorizing Colorado & Wyoming Ry. to make rate of 10 cents per cwt. on ice, loose and packed, L. C. L., Trinidad to Primero.
- 349 June 22 Authorizing D., L. & N. W. Ry. to sell special excursion tickets, round trip, Milliken to Greeley, basis of 50 cents adult fare, June 30, inst.
- 350 June 23 Authorizing D. & R. G. R. R. to make rate of \$1.75 per ton, C. L., on ore, agreed value not exceeding \$100.00 per ton, Frisco and Dillon to Eilers.
- 351 June 23 Authorizing D. & R. G. R. R. to publish schedule of rates (as submitted) on ores, C. L., minimum 24,000 pounds, from Placita, Redstone and intermediate points to Carbondale, in connection with the Crystal River R. R. to Denver, Pueblo, Leadville, Buena Vista and Salida.
- 352 June 23 Authorizing D., L. & N. W. Ry. to publish party rates between stations on its line in Colorado, applicable to theatrical, operatic, etc., companies, clubs, etc., in exact conformity with its request June 22d, inst.

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- 353 June 24 Authorizing D. & R. G. R. R. to make rate of \$1.25 per ton on ore, agreed value not to exceed \$100.00 per ton, Granite to Buena Vista; and from Leadville to Buena Vista \$1.75 per ton, agreed value not to exceed \$100.00 per ton; \$1.35 per ton gross value \$18.00 per ton; \$1.25 gross value \$12.00 per ton, and \$1.00 per ton gross value \$5.00 per ton. And to protect under rate of \$1.25 per ton one shipment originating at Granite May 7, 1910.
- 354 June 24 Authorizing D. & R. G. R. R. to make rate of 7 cents per cwt. on fire clay and fire brick, straight or mixed C. L., Fuego to Denver.
- 355 June 24 Authorizing D., L. & N. W. Ry. to make open rate one and one-third fares points on its line to Greeley and return July 4th to 14th, selling dates July 3d and 8th.
- 356 June 24 Authorizing D., L. & N. W. Ry. to make 4th of July excursion rates applying between all stations on its line in Colorado one and one-third fares round trip, with minimum of 50 cents for adults and 25 cents for children, return limit July 6th, 1910.
- 357 June 24 Authorizing Colorado & So. Ry. and D. & R. G. R. R. to make rates of \$2.25 per ton, C. L., on pea coal, from Walsenburg district to Ft. Morgan, Brush and Sterling, same to apply as terminal rates only via Denver in connection with C., B. & Q. and U. P. R. R.
- 358 June 25 Authorizing C. & S. Ry. to make rate effective June 10, 1910, \$1.00 per ton on copper matte, C. L., Golden to Denver.
- 359 June 27 Authorizing Colorado Midland Ry. Co. to make rate of \$1.25 per ton, C. L., on ore, value not exceeding \$100.00 per ton, Granite to Buena Vista.
- 360 June 27 Authorizing D. & R. G. R. R. to make rate of 6½ cents per cwt., straight or mixed C. L., minimum marked capacity of car, on brick, common or pressed, Dempsey, Fuego and Pueblo to Rouse Junction and Rouse and intermediate points between last named stations.
- 361 June 27 Authorizing C., B. & Q. R. R. to make rates on coal, C. L., in connection with C. & S. Ry. from Lafayette to Loveland, mine run 70 cents per ton, all other kinds \$1.00 per ton; from Lafayette to Greeley mine run 70 cents per ton, all other kinds \$1.10 per ton.

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- 362 June 27 Authorizing C., B. & Q. R. R. to make rate of \$2.90 per ton on engine coal Baldwin to Silver Plume.
- 363 June 29 Authorizing Globe Express Co. to make rate of 20 cents per cwt. on milk and cream Uncompahgre to Ridgway.
- 364 June 30 Authorizing U. P. R. R. to make rate of 18 cents per cwt., C. L., on cement and plaster in connection with D. & R. G. R. R. from Portland to all points on its line in Colorado between Greeley and Cheyenne.
- 365 July 1 Authorizing C. & S. Ry. to make rate of \$2.00 per ton on slack and pea coal, C. L., Baldwin and Kubler Spur to Dillon.
- 366 July 1 Authorizing D., L. & N. W. Ry. to make rate one and one-third regular passenger fares to Denver from all points on its line plus \$14.00 Denver to Grand Junction, return limit 24th inst.
- 367 July 1 Authorizing D., L. & N. W. Ry. to re-establish passenger rates to and from Moore as originally published in its local Passenger Tariff, and to establish fares to and from Blandin.
- 368 July 7 Authorizing D. & R. G. R. R. to make rate of 14 cents per cwt., C. L., on lumber, Crested Butte, etc., to Denver, etc.
- 369 July 9 Authorizing D. & R. G. R. R. to make rate of 20 cents per cwt., C. L., on hay, Canon City to Leadville, and to amend its Tariff 104-B as requested.
- 370 July 9 Authorizing Colorado Midland Ry. to amend Items 89, 90 and 91, its Local Tariff No. 10 applying on stone, so that minimum may be subject to following exceptions: "Except where cars of less capacity are furnished, in which case the minimum weight will be marked capacity of car."
- 371 July 15 Authorizing D. & R. G. R. R. to reduce rate or haul free of charge shipment of household goods Carbondale to Denver, consigned to St. Vincent's Orphans' Home, Denver.
- 372 July 15 Authorizing D. & R. G. R. R. to make rate of \$15.00 per 36 ft. car, C. L., cattle, Wason to Monte Vista, and to protect under said rate shipments already moved.
- 373 July 15 Authorizing D. & R. G. R. R. to make rate of \$4.00 per ton, C. L., on smelter slag, Ouray to Salida.

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- 374 July 18 Authorizing C., B. & Q. R. R. to make rate of 4½ cents per cwt. on rubble stone, C. L., Lyons to University Park.
- 375 July 18 Authorizing D. & R. G. R. R. to make rates and to protect thereunder shipments moving subsequent to June 15, 1910, from Crestone to Gunnison 2d-hand machinery, C. L., 25 cents per cwt. and on 2d-hand lumber, C. L., 15 cents per cwt.; and from Crestone to Denver, 30 cents per cwt. on 2d-hand machinery, C. L.
- 376 July 19 Authorizing D. & R. G. R. R. to protect all shipments of stone and granite Hierro and Gunnison to Denver, under actual weight of car and not in accordance with minimum published in its Local Tariff 4900 carrying minimum 40,000 pounds per n. g. car.
- 377 July 19 Authorizing D. & R. G. R. R. to make a rate of 7½ cents per cwt. on plaster, Portland and Concrete, to Colorado Springs.
- 378 July 20 Authorizing D. & R. G. R. R. and Colorado Midland Ry. to make a rate of \$1.50 per ton on ice, C. L., minimum 40,000 pounds, Glenwood Springs to Grand Junction.
- 379 July 21 Authorizing C. & S. Ry. to make rate of \$2.00 per ton, C. L., on slack coal from mines in Baldwin District to Oro Grande and Sterns Spur, and to apply at Oro Grande the same class and commodity rates from Denver as are now in effect to Dillon.
- 380 July 21 Authorizing D. & R. G. R. R. to make rate of \$15.00 per 36 foot car on sheep, C. L., between Wason and Monte Vista, and to protect under said rate shipments already moved.
- 381 July 23 Authorizing D. & R. G. R. R. to make rate of \$12.50 per car on water for domestic purposes, regular water cars, La Veta to Cuchara Junction.
- 382 July 23 Authorizing D. & R. G. R. R. to make rate of 10 cents per cwt. on fire brick and fire clay, mixed or straight C. L., minimum marked capacity of car, Pueblo and Fuego to Tropic.
- 383 July 23 Authorizing D. & R. G. R. R. to make rate of 11 cents per cwt. on cement, C. L., minimum 40,000 pounds, and 16 cents per cwt. on plaster, C. L., minimum 50,000 pounds, Portland and concrete to Tropic.

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- 384 July 23 Authorizing D. & R. G. R. R. and Colorado Midland Ry. to make rate of \$4.00 per ton on coke, usual minimum to apply, from Trinidad District to Grand Junction.
- 385 July 23 Authorizing Union Pacific R. R. to make rate of 35 cents per ton, C. L., minimum marked capacity of car, on gravel, Sandown to Denver.
- 386 July 23 Authorizing D. & R. G. R. R. to haul free one shipment of household goods, Gunnison to Denver, for widow of engineer in employ of company for thirty years.
- 387 July 26 Authorizing D. & R. G. R. R. to publish an amendment to its G. F. D. No. 4901, effective August 8, 1910, making rates Grand Junction to Durango and Silverton the same as published rates Pueblo to Silverton and Durango.
- 388 July 28 Authorizing Adams Express Co. to extend its Tariff C. R. C. No. 17 so as to include points on the South Park Div. C. & S., Denver to Dillon and Baileys.
- 389 July 29 Authorizing D. & R. G. R. R. to make rate of 10 cents per cwt., C. L., on refuse marble spawls, minimum 40,000 pounds, Redstone to Minnequa.
- 390 July 29 Authorizing C. & S. Ry. to make rate of 50 cents per ton, C. L., on gravel, minimum 60,000 pounds, Wellington to Ft. Collins.
- 391 July 29 Authorizing D. & R. G. R. R. to make proportional rate \$1.25 per ton, C. L., on ore, minimum 24,000 pounds, agreed value \$100 per ton, Leadville, when originating at Breckenridge and Keystone, to Salida.
- 392 July 29 Authorizing D. & R. G. R. R. to make rate of 7 cents per cwt. on lumber, C. L., Jackson Spur to Gunnison, and to protect under said rate shipments moving subsequent to June 11, 1910.
- 393 July 30 Authorizing D. & R. G. R. R. and Colorado & Southern Ry. to make rates on low-grade ore, Kokomo and Robinson to Leadville, \$1.25 per ton, gross value \$25.00 per ton, and \$1.00 per ton, gross value \$15.00 per ton.
- 394 Aug. 2 Authorizing D. & R. G. R. R. to make a rate of 25 cents per cwt. on brick, C. L., minimum 40,000 pounds, from Colorado Common Points and Canon City to Gunnison.

Authority Date.
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| 395 | Aug. | 2 | Authorizing D. & R. G. R. R. to make rates on cast or wrought iron pipe and connections, straight or mixed C. L., minimum 30,000 lbs., from Walsenburg to Tropic 5 cents per cwt., and from Pueblo and Minnequa to Tropic 17 cents per cwt. |
| 396 | Aug. | 5 | Authorizing D. & R. G. R. R. and Colorado Midland Ry. to publish rates as enumerated between Colorado Common Points and Grand Junction, etc., and make rate of 50 cents per cwt. on celery, C. L., minimum 20,000 pounds, from Grand Junction to Colorado Common Points. |
| 397 | Aug. | 5 | Authorizing C., B. & Q. R. R. to make rate of 12 cents per cwt. on dimension stone, C. L., from Lyons to Greeley in connection with the C. & S. Ry. from Longmont. |
| 398 | Aug. | 5 | Authorizing D. & R. G. R. R. and Colorado Midland Ry. to make rates on granite and marble to Grand Junction, 20 cents per cwt., C. L., and 40 cents per cwt., L. C. L., minimum 36,000 pounds from Cotopaxi, Salida and Texas Creek; and, from Redstone via Carbondale in connection with the Crystal River R. R. |
| 399 | Aug. | 5 | Authorizing D. & R. G. R. R. and Colorado Midland Ry. to make rate of 25 cents per cwt. on cement from Portland, Concrete and Pueblo to Mack. |
| 400 | Aug. | 5 | Authorizing A., T. & S. F. Ry. to make rate of 8 cents per cwt., minimum 30,000 pounds on second-hand beet dump, Lafayette to Nepesta (22 miles). |
| 401 | Aug. | 8 | Authorizing D. & R. G. R. R. and C. & S. Ry. to make rate of \$1.50 per ton on ore, agreed value not exceeding \$100.00 per ton, from Kokomo and Robinson to Leadville. |
| 402 | Aug. | 8 | Authorizing Wells Fargo & Co. Express to make rate of 25 cents per cwt. on fruit and vegetables between Basalt and Carbondale. |
| 403 | Aug. | 8 | Authorizing D. & R. G. R. R. to make rate of \$1.25 per ton, C. L., on ore, gross value not exceeding \$15.00 per ton, Silverton to Durango. |
| 404 | Aug. | 10 | Authorizing Union Pacific R. R. to make rate of 5 cents per cwt. on grain and hay, C. L., Eastlake to Denver. |
| 405 | Aug. | 11 | Authorizing D., L. & N. W. Ry. to make rate on brick, C. L., marked capacity of car, 5 cents per cwt. from Denver to stations Traceyville to Greeley, inclusive. |

Authority No.	Date. 1910.	
406	Aug. 12	Authorizing Globe Express Co. to make rate of 75 cents per cwt. on fruit and vegetables between Ouray and Dominguez.
407	Aug. 12	Authorizing Globe Express Co. to make rate of 75 cents per cwt. on fruit and vegetables between Penrose and Colorado Springs and Denver; also rate of 50 cents per cwt. same commodities between Penrose and Pueblo.
408	Aug. 12	Authorizing Colorado Midland Ry. Co. to publish Tariff 1939-E, and to protect rates via its line as published via D. & R. G., in amendment to its Tariff 4900.
409	Aug. 15	Authorizing D., L. & N. W. Ry. to amend its Tariff F-16 by supplement to include certain commodities enumerated between stations on its line and stations on the Great Western R. R., and to make rate of 10 cents per cwt. on condensed milk, C. L., minimum 36,000 lbs., Johnstown to Denver.
410	Aug. 15	Authorizing Colorado Midland to publish amendments to its tariffs C. R. C. 104 and 69, from Colorado Common Points and stations on its line West of Colorado Springs to stations West of Grand Junction on the D. & R. G.
411	Aug. 15	Authorizing G. J. & G. R. V. Ry. to publish class and commodity rates between stations on its newly constructed line in accordance with copy of proposed schedule of rates.
412	Aug. 16	Authorizing C., B. & Q. R. R. to make rate 5 cents per cwt. on wool, L. C. L., Koenesburg to Wiggins.
413	Aug. 17	Authorizing D., N. W. & P. Ry. to make rate of 5 cents per cwt. on wheat, C. L., minimum 30,000 lbs., Leyden Junction to Denver.
414	Aug. 18	Authorizing Colorado Midland Ry. to make rate \$2.00 per ton on zinc residue, Denver to Leadville, and to protect under said rate four cars already moved.
415	Aug. 18	Authorizing D. & R. G. to make rate \$1.00 per ton on ore, C. L., minimum 24,000 lbs., agreed value not exceeding \$100.00 per ton, Belleview to Buena Vista.
416	Aug. 19	Authorizing Colorado Midland Ry. to publish amendments to its tariffs C. R. C. 100 and C. R. C. 121.
417	Aug. 23	Authorizing D. & R. G. to make rate of \$3.00 per ton on scrap iron and \$3.00 per ton on lumber, Shoshone to Denver.

Authority No.	Date. 1910.	
418	Aug. 23	Authorizing D. & R. G. to make rate of 6½ cents per cwt. on brick, C. L., Pueblo and Fuego to Walsenburg.
419	Aug. 24	Authorizing D. & R. G. to make rate of 7½ cents per cwt. on ore and concentrates, C. L., gross value not exceeding \$25.00 per ton, Silverton to Durango.
420	Aug. 24	Authorizing Wells Fargo & Co. Express to make special rates on canteloupes, Loma to local points in Colo.
421	Aug. 25	Authorizing D. & R. G. to make rate of 80 cents per cwt. on wool in grease, in sacks or bales, C. L., minimum 20,000 lbs., between various stations as enumerated.
422	Aug. 27	Authorizing D. & R. G. to make rate of \$2.50 per ton on anthracite, pea or slack coal, C. L., minimum 20,000 lbs. Crested Butte, Anthracite, Floresta and Horace to Palisade.
423	Aug. 27	Authorizing D. & R. G. to make rate \$6.00 per car on wood, cord and fuel, Denver to Ft. Logan.
424	Aug. 30	Authorizing D. & R. G. to make rate in connection with U. P. R. R., 20 cents per cwt. on sewer pipe, C. L., minimum 26,000 lbs., Pueblo to Greeley.
425	Sept. 1	Authorizing D. & R. G. R. R. to make rate 7½ cents per cwt. on ice, C. L., Delta to Grand Junction.
426	Sept. 2	Authorizing Adams Express Co. to reduce its rates on milk and cream between Denver and points on the D., N. W. & P. Ry. Co.
427	Sept. 2	Authorizing Colorado Midland Ry., D. & R. G. R. R. and Colorado and Southern Ry. to make rates on brick, from Canon City, Denver, Colorado Springs and Pueblo, 12 cents and 17 cents per cwt., C. L., minimum 40,000 lbs., to Buena Vista, and 15 cents and 20 cents to Leadville.
428	Sept. 2	Authorizing D. & R. G. R. R. to make rate of 15 cents per cwt. on brick, C. L., minimum 40,000 lbs., from Denver and Colorado Springs to Salida, and 20 cents per cwt. from Denver Colorado Springs and Pueblo to all points on its Dillon Branch.
429	Sept. 3	Authorizing Colorado Midland Ry. to publish amendment to its Tariff C. R. C. No 121 reducing rates on the several commodities as enumerated in its request.

Authority No.	Date. 1910.	
430	Sept. 6	Authorizing G. J. & G. R. V. R. R. to make rates of 2½ cents one way, and 5 cents for round trip from points on its line within a radius of 4 miles from each school house.
431	Sept. 6	Authorizing C. & S. Ry. and D. & R. G. R. R. to extend their present tariff carrying rate of \$2.25 per ton on pea coal, C. L., from Walsenburg District to Sterling, to December 1st, 1910.
432	Sept. 6	Authorizing C. & S. Ry. to correct typographical error in item 66, Sup. 2, to its G. F. O. 1-G, making rate on cereal and cereal products 45 cents per cwt. instead of 5 cents. per cwt., and to re-issue said item effective Sept. 15, 1910.
433	Sept. 6	Authorizing C. & S. Ry. to re-issue rates carried in Sup. 4, to its G. F. O. 807-F, same to supersede and take place of rates as now carried in its Sup. 5, same tariff.
434	Sept. 9	Authorizing Rio Grande So. to make rate of 20 cents per cwt. on ice, C. L., minimum 24,000 lbs., Durango to Telluride.
435	Sept. 12	Authorizing D., N. W. & P. Ry. to publish through rates on coal, C. L., from its Oak Hill District to points on the D., L. & N. W. Ry.
436	Sept. 12	Authorizing Globe Express Co. to make rate of 30 cents per cwt. on cream and milk between Huerfano and Pueblo.
437	Sept. 12	Authorizing C. & S. Ry. to re-issue, account typographical error, its G. F. O. No. 455-O, effective Oct. 8, 1910.
438	Sept. 14	Authorizing C. & S. Ry. to make rate of 10 cents per cwt., minimum 50,000 pounds, on canned goods, C. L., Brighton and Platteville to Ft. Collins.
439	Sept. 15	Authorizing C., B. & Q. R. R. to make rate of 5 cents per cwt., L. C. L., on wool, Keenesburg to Akron.
440	Sept. 16	Authorizing D., N. W. & P. Ry. to make rate \$1.90 per ton on coal, all kinds except slack and pea, and \$1.70 on slack and pea, from Oak Hills District to Golden.
441	Sept. 16	Authorizing Union Pacific R. R. to protect a rate of 3 cents per cwt. on brick, C. L., from Boulder to Carr, account of charity.
442	Sept. 16	Authorizing C. & S. Ry. to make rate of 7½ cents per cwt. on ore and concentrates, C. L., minimum 16,000 pounds, actual gross value not exceeding \$8.00 per ton from Kokomo to Alma.

Authority No.	Date. 1910.	
443	Sept. 17	Authorizing Mo. Pa. Ry. Co. to make rate 20 cents per cwt. on culled apples and windfalls, Olney Springs to Denver.
444	Sept. 19	Authorizing Colorado Midland Ry. to make rate of \$2.45 per net ton on sand, C. L., minimum 50,000 pounds, Wild Horse to Carbondale, via Glenwood Springs, thence by D. & R. G. R. R.
445	Sept. 19	Authorizing D., L. & N. W. Ry. to revise its Tariff No. F-3, so as to provide $\frac{1}{2}$ rate on groceries and provisions consigned to section foremen on its line (pursuant to I. C. C. bulletin 2, section 87).
446	Sept. 19	Authorizing C., B. & Q. R. R. and D. & R. G. R. R. to extend to December 31st, 1910, its present tariff rate of \$2.25 per ton on pea coal, C. L., from Walsenburg District to Brush and Ft. Morgan.
447	Sept. 20	Authorizing Union Pacific R. R. to make rate of 5 cents per cwt. on canned goods, C. L., minimum 50,000 pounds, between Brighton and Platteville.
448	Sept. 21	Authorizing D. & R. G. R. R. to make rate of \$25.00 per 36 foot double deck cars on sheep, Leadville to Grand Junction and intermediate points, and to protect under said rate one shipment already moved to Glenwood, from Leadville.
449	Sept. 22	Authorizing C. S. & C. C. District Ry. to make rate of 50 cents per mile on merry-go-round, between Cripple Creek and Colorado Springs, and to protect under said rate one shipment moving August 15, 1910.
450	Sept. 22	Authorizing Crystal River R. R. to make rate of \$5.00 per car on wooden water pipe, Carbondale to Mile Post No. 7 on its line.
451	Sept. 23	Authorizing C. & S. Ry. to extend its present rate to December 31st, 1910, of \$2.25 per ton, C. L., on pea and slack coal, Walsenburg District to Brush and Ft. Morgan.
452	Sept. 23	Authorizing C. & S. Ry. to make class rate between Denver and Burns Junction to Lafayette, and intermediate stations, so as to conform with the rates published by C., B. & Q. R. R. in its G. F. O. No. 869-B.
453	Sept. 26	Authorizing Union Pacific R. R. to make rate on empty vegetable crates from Greeley to Cloverly and Gill 15 cents; Barnesville 17 cents; Galeton to Eaton 15 cents; Camfield 17 cents.

Authority Date.
No. 1910.

- 454 Sept. 27 Authorizing Globe Express Co. to make rates on fruits and vegetables from Penrose to Salida 75 cents, to Cripple Creek and Victor \$1.00, and to Leadville \$1.25; from Denver to Leadville \$1.25 per cwt.
- 455 Sept. 27 Authorizing D. & R. G. R. R. to make rate $\frac{1}{2}$ the published tariff rate on shipment household goods, Leadville to Denver, benefit former employe of said company.
- 456 Sept. 28 Authorizing D. & R. G. R. R. to make rate of \$7.50 per tank car on water, Dolores to Glencoe.
- 457 Sept. 28 Authorizing D., N. W. & P. Ry. to make through rates on coal from Leyden to Golden in connection with D. & I. Ry. 70 cents per ton on slack, and 90 cents per ton on all other kinds of coal.
- 458 Sept. 30 Authorizing D. & R. G. R. R. to eliminate from its Tariff No. 3 the words "in packages or in cars having fixed or transient crates for same," thus permitting shipment of deciduous fruits as specified in bulk when in C. L.
- 459 Sept. 30 Authorizing Rio Grande Southern R. R. to make effective at once rate of 8 cents per cwt. on mining timbers, C. L., minimum 20,000 pounds, Noels to Telluride, and to protect under said rate recent shipments moving between said points.
- 460 Oct. 1 Authorizing C. & S. Ry. to make rate of $2\frac{1}{2}$ cents per cwt. on brick, C. L., Golden and Denver to Lewis.
- 461 Oct. 1 Authorizing D. & R. G. R. R. to apply minimum of 24,000 pounds, as carried in amendment to its Tariff 4395-D, effective Oct. 1, 1910, on 9 cars of slabs moving from Weston to Minniqua, and to settle the alleged overcharge on said 9 cars by applying actual weight subject to above minimum.
- 462 Oct. 5 Authorizing D. & R. G. R. R. to make rate of 10 cents per cwt. on lumber, C. L., Westcliffe to San Carlos.
- 463 Oct. 7 Authorizing Union Pacific R. R. to make rate 30 cents per ton, C. L., sugar beets, Frederick to Erie destined to Longmont.
- 464 Oct. 8 Authorizing Colorado Midland Ry. to make rate of 25 cents per cwt., C. L., and 36 cents, L. C. L., on petroleum and its products, Florence to Colo. City.

Authority Date.
No. 1910.

- 465 Oct. 10 Authorizing D. & R. G. R. R. to make rate of 25 cents per cwt. on powder, L. C. L., Telluride to Sawpit, Wilson and Placerville.
- 466 Oct. 10 Authorizing D. & R. G. R. R. to make rate of \$1.00 per ton on hay, C. L., Loma to Grand Junction.
- 467 Oct. 14 Authorizing C. & S. Ry. to make rate of \$1.75 per ton on coal, C. L., from Baldwin and Kubler Mines to Salida, via Gunnison in connection with the D. & R. G.
- 468 Oct. 15 Authorizing D. & R. G. R. R. to make rate of 75 cents per ton on coal, C. L., minimum 20,000 lbs., from Coke Ovens to Rico.
- 469 Oct. 17 Authorizing D. & R. G. R. R. to make rate of 5 cents per cwt., C. L., minimum 24,000 lbs., on car door boards, mine props, mine ties and mine timbers, La Veta Pass to Tropic.
- 470 Oct. 18 Authorizing D. & R. G. R. R. to haul free of charge one car of wood, Shale to Grand Junction, account of Salvation Army.
- 471 Oct. 20 Authorizing Union Pacific R. R. to make rate of 60 cents per ton, C. L., on sand and gravel, Adams to Boulder.
- 472 Oct. 21 Authorizing D. & R. G. R. R. to make certain reductions in distance rates now in effect as per its G. F. D. No. 4900-A, said changes to be in accordance with proof sheets submitted as Sup. 3 to said Tariff.
- 473 Oct. 24 Authorizing Colorado Midland Ry. to make rate of 20 cents per cwt., C. L., minimum 30,000 lbs., on second-hand pipe, Leadville to Aspen.
- 474 Oct. 24 Authorizing Colorado Midland Ry. to cancel item 94, its Sup. 3 to C. R. C. No. 69, and to substitute therefor Item 94-A, carrying lower distance rates than are now in effect.
- 475 Oct. 25 Authorizing A., T. & S. F. Ry. to protect rate under rate published in item 448, Sup. 13 to S. F. S. Tariff 5600-C, effective Sept. 15, 1910, 20 cents per cwt. on culled apples and windfalls in bulk, minimum 30,000 lbs., 5 cars said commodities moving on and after Sept. 5, 1910, Manzanola and Rocky Ford to Denver.
- 476 Oct. 25 Authorizing D., L. & N. W. Ry. to protect $\frac{1}{2}$ tariff rate on one car of potatoes, Greeley to Denver, account St. Clara's Orphanage, a charitable institution.

Authority No.	Date. 1910.	
477	Oct. 26	Authorizing Colorado Midland Ry. to make rate of 5 cents per cwt. on poles, C. L., Aspen to Norrie.
478	Oct. 26	Authorizing D. & R. G. R. R. to make rate of \$1.65 per ton, minimum 50,000 lbs., on marble waste, from Marble to Grand Junction.
479	Oct. 26	Authorizing C. & S. Ry. to make rate 12 cents per cwt. on iron pipe, C. L., minimum 30,000 lbs., Trinidad to Ideal.
480	Oct. 27	Authorizing C. & S. Ry. to make rate of 15 cents per cwt. on hay, C. L., Trinidad to Denver.
481	Oct. 27	Authorizing San Luis So. Ry. to make effective at once rates published in its G. F. D. 1-C issued September 30, to become effective November 1, 1910.
482	Oct. 28	Authorizing Union Pacific R. R. to make rate of 8 cents per cwt. on dimension stone and 5 cents on rubble stone, C. L., minimum 40,000 pounds, Boulder to Greeley.
483	Nov. 1	Authorizing C., B. & Q. R. R. to make rate of 2½ cents per cwt., C. L., on sugar, Brush to Ft. Morgan.
484	Nov. 7	Authorizing Colorado Midland Ry. Co. to publish rate 1 cent less than present tariff on petroleum and its products, Florence to Buena Vista, Granite and Leadville.
485	Nov. 9	Authorizing D., L. & N. W. Ry. to make rate of 4 cents per cwt. on culled and unsorted potatoes, C. L., in sacks or in bulk, minimum 40,000 pounds, from stations Milliken to Evans, inclusive, to Greeley.
486	Nov. 10	Authorizing D. & R. G. R. R. to make rate of 29 cents per cwt. on second-hand machinery and rock wagons, C. L., minimum 30,000 pounds, Carbondale to Denver.
487	Nov. 11	Authorizing D. & R. G. R. R. to make rate of 75 cents per ton, C. L., on coal, Gunnison to Iola, and to protect under said rate one shipment moving September 14, 1910, covered by waybill No. 85.
488	Nov. 14	Authorizing Union Pacific R. R. to make rate of 6 cents per cwt. on cabbages, Platteville to Greeley, and to protect under said rate one shipment moving Platteville to Greeley September 12, 1910, waybill 303.

Authority No.	Date. 1910.	
489	Nov. 15	Authorizing D. & R. G. R. R. to apply distance scale of rates as carried in Sup. 3 to its G. F. D. 4900-A on oil, C. L., from Florence, Pueblo and Walsenburg to stations on its line, also from Florence to Telluride.
490	Nov. 16	Authorizing Grand Junction and Grand River Valley R. R. to publish round trip rates between stations on its line as per Sup. 1 to its local Pass. and B. Tariff No. 3.
491	Nov. 21	Authorizing C. & S. Ry. to make rate of 13½ cents per cwt., C. L., on hollow building tile, Denver to Trinidad.
492	Nov. 21	Authorizing C. & S. Ry. to make rate of 25 cents per cwt. on fifth class Minnequa to Walsenburg, and rate of 21 cents per cwt. same class Minnequa to Colorado Springs.
493	Nov. 25	Authorizing D. & R. G. R. R. to make rate of 10 cents per cwt. on cordwood, C. L., minimum 25,000 pounds, Palo and Texas Creek to Colorado Springs.
494	Nov. 26	Authorizing D. & R. G. R. R. to cancel amendment to its Tariffs 147-48 and 49, G. F. D. Nos. 4658-A, 4659-A and 4660-A.
495	Nov. 26	Authorizing C. & S. Ry. to make rates on coal, Cowan to Denver, mine run 70 cents per ton, slack 60 cents per ton, all other kinds of coal 80 cents per ton.
496	Nov. 26	Authorizing D. & R. G. R. R. to make rates on ore and concentrates, Robinson, Kokomo and Dillon to Salida, Pueblo, Minnequa, Blende, Canon City and Florence, \$2.00 per ton, gross value not exceeding \$18.00 per ton, \$1.75 per ton, gross value not exceeding \$12.00 per ton, \$1.50 per ton, gross value not exceeding \$8.00 per ton.
497	Nov. 26	Authorizing Crystal River R. R. to make rate of 6 cents per cwt., C. L., minimum 20,000 pounds, on second-hand machinery, including wagons, from Redstone to Carbondale.
498	Nov. 29	Authorizing A., T. & S. F. Ry. to make rate of 5 cents per cwt., C. L., minimum 40,000 pounds, on vinegar stock, Canon City to Denver.
499	Nov. 30	Authorizing D. & R. G. R. R. to make rate of 20 cents per cwt., C. L., on malt, Del Norte to Trinidad.
500	Nov. 30	Authorizing D. & R. G. R. R. to make rate of 8 cents per cwt., C. L., minimum 30,000 pounds, on logs, Gypsum to Leadville.

Authority No.	Date. 1910.	
501	Dec. 1	Authorizing D. & R. G. R. R. Co. to make rate of 15 cents per cwt., C. L., minimum weight 40,000 pounds, on vinegar stock from Canon City, Colorado, to Denver, Colorado.
503	Dec. 2	Authorizing Union Pacific R. R. Co. to make through rate, Paonia, Colorado, to all Colorado stations on its line between Denver, Colorado, and Cheyenne, Wyo., of 75 cents per cwt. on fresh fruits, and to protect under said rate all such shipments moving between said points.
504	Dec. 5	Authorizing A., T. & S. F. Ry. Co. to make rate of 15 cents per ton on slack coal, C. L., from Trinidad, Colorado, to Starkville, Colorado.
505	Dec. 8	Authorizing D. & R. G. R. R. Co. to make rate of \$6.00 per ton, C. L., on ore, declared valuation not exceeding \$5.00 per ton of 2,000 pounds, from Rico, Colorado, to Denver, and to protect under said rate two cars of such ore which moved between points named under dates of October 21st and November 8th, 1910.
506	Dec. 8	Authorizing the Crystal River R. R. Co. to make rate of 5 cents per cwt., C. L., on riveted steel pipe, Carbondale, Colorado, to Redstone, Colorado.
507	Dec. 8	Authorizing D., N. W. & P. R. R. Co. to make rate of 10 cents per cwt., C. L., minimum weight 30,000 pounds, on lumber from Arrow, Colorado, to Oak Creek, Colorado.
508	Dec. 10	Authorizing A., T. & S. F. Ry. Co. to protect under rate of 20 cents per cwt. as published in Sup. 13, S. F. System Tariff No. 5600-C, Item No. 448, effective September 15, 1910, on culled apples and windfalls, in bulk, minimum weight 30,000 pounds, from Arkansas Valley Points to Denver, one car of said commodity moving September 2, 1910, covered by Manzanola-Denver waybill No. 13.
509	Dec. 12	Authorizing D. & R. G. R. R. Co. to haul free of charge one car of coal, from Strong, Colorado, to Denver, Colorado, for Dean Peck, account charity.
510	Dec. 15	Authorizing C. S. & C. C. Dist. Ry. to make rate of 75 cents per ton, minimum 60,000 pounds, on rock, C. L., from Cripple Creek, Anaconda, Elkton, Victor, Independence, Bull Hill and Cameron to Colorado Springs.

Authority Date.
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- 511 Dec. 17 Authorizing A., T. & S. F. Ry. to protect under its present tariff rate of 15 cents per ton, C. L., on slack coal, Trinidad to Starkville, 41 cars of such commodity which moved from Morley to Starkville under dates of October 10, 11, 12 and 13, 1910, covered by Morley-Starkville way-bills Nos. 169 to 176, inc., 178, 186 to 192, inc., 207 to 215, inc., 217, 225, 226, 227, 240 to 247, inc., 254, 255, 256 and 260.
- 512 Dec. 20 Authorizing U. P. R. R. Co. to publish fourth class rate on concrete pipe and tile, shipped loose L. C. L., from Greeley to points as far south as Brighton, as far north as Pierce, as far east as Hardin, and up on the Greeley branches of said U. P. R. R.
- 513 Dec. 22 Authorizing Union Pacific R. R. Co. to make rate on high explosives between Denver and Boulder in conformity with C. & S. Ry. Tariff 1-F, Item 14 and Item 500, 29 cents per cwt., and to protect under said rate one shipment evidenced by Claim D-1731-14, favor Wilson Hardware Co., Boulder.
- 514 Dec. 22 Authorizing D. & R. G. R. R. Co. to make rates on car door boards, mine timbers, mine props and mine ties, minimum 24,000 pounds, 15 cents per cwt. from Frisco to stations Walsenburg to House, both inclusive, 17 cents per cwt. Frisco to stations Barnes to Jansen, both inclusive, and to Cokedale 19 cents per cwt.
- 515 Dec. 23 Authorizing Colorado & Wyoming Ry. Co. to make rate of 15 cents per ton, C. L., minimum 20 tons per car, on slack coal, from Trinidad to Tercio and Segundo, Colorado.
- 516 Dec. 28 Authorizing D. & R. G. R. R. to publish fourth class rate on mattresses and furniture, mixed carloads, minimum 7,000 pounds, from Denver to Montrose, Somerset and intermediate stations, in conformity with Item 185 D. & R. G. Tariff No. 4900-A, effective October 10, 1910, and to protect under said rate one shipment which moved to Montrose August 25, 1910.

PART V.

REPORT OF ACCIDENTS

REPORT OF ACCIDENTS.

The Commission, in order to facilitate the forwarding of reports of accidents as provided for under section 27 of the Act to Regulate Common Carriers in this State, issued a circular order on June 8, 1909, addressed to all carriers, and sent them blank forms of reports to fill out and forward to the office of the Commission.

The Colorado & Southern Railway Company and the Atchison, Topeka & Santa Fe Railway Company, up to the time of going to press on this report, have failed to furnish the Commission with their annual reports of accidents, as required.

The law under which the Commission is now acting became effective February 15, 1911, but at the time of issuing the aforesaid order it was acting under the old law of 1907, and on account of the question as to the constitutionality of the old law having been raised, the Commission did not deem it wise to seek to enforce the order requiring a report under the old law; nor did it deem it wise to publish the report of some and not of others. Some of the reports of the railroad companies which have been sent in reveal a heavy loss of life and a corresponding heavy list of injured. The Commission feels that to publish the reports of those roads which obeyed the order would be putting a premium on disobedience of the orders of the Commission.

The chief benefit of statistics of railway accidents is to point out to those in charge of railway operations and to the people of this State that class of accidents which may be lessened by greater care on the part of railway employes, or greater uniformity in railway equipment and conditions of management.

The most prominent fact regarding accidents for the year ending June 30, 1910, is the appalling loss of life and property in collisions. As to whether the present year can be called materially worse or materially better than what it has been in previous years we have no data upon which to base an opinion. That so many people, comprising passengers and employes, should be killed or injured on the railroads in the State of Colorado indicates a condition which should not pass without serious attention. Some of these accidents were due to causes which have never been satisfactorily explained; therefore there is urgent need for a careful consideration of railroad accidents, their causes and results.

An interesting discussion on the block signal system and recommendations to the Legislature will be found in a report by the Commission issued December 31, 1909, copies of which can be had on application to the Secretary thereof.

During the period embodied in this report the Commission has received notice of and investigated (either by correspondence or direct investigation on the ground at the scene of the accident, depending upon the circumstances) the following number of casualties involving loss of life or personal injury:

DOTSERO WRECK.

The Dotsero wreck occurred on the Denver & Rio Grande Railroad at Dotsero, Colorado, January 15, 1909.

No. 5 westbound passenger had wait order for third No. 66 freight at Dotsero. No. 5 violated said orders and collided with third No. 66 about a quarter of a mile west of Dotsero, killing twenty people and injuring about thirty-five. Five of the injured died within a week of the accident.

Below will be found report of investigation made by the Commission:

There were two trains involved. First, train No. 5, which was the westbound passenger and express, Engine No. 708, Gus Olsen, Engineer, and A. McCurdy, Conductor, in charge of the train. Fireman, N. D. Wheeler; Flagman, O. Wilson; Brakeman, F. J. Roberts.

At Wolcott, a station about twenty-four miles east of Dotsero, Train No. 5 received a train order, No. 37. (All train orders given out being numbered in consecutive order for each day.) This order, after being properly dated and addressed at Wolcott, reads as follows:

"No. five Engine No. 708, wait at Dotsero until Nine fifty five. 9/55 P. M. for third No. 66 Engine 1127, and wait at Gypsum untill nine forty 9/40 P. M. for second No. 66 Engine 1110."

On the arrival at Gypsum of Train No. 5 they found second No. 66, Engine 1110, on the siding, and passed Gypsum at nine thirty-five (9:35) p. m., consuming about eleven minutes between Gypsum and Dotsero, the distance being seven (7) miles between the two points, and without stopping at Dotsero, or diminishing the speed of the train, passed the entire length of the siding at Dotsero from east to west, passing the west switch at nine forty-six (9:46) p. m., and collided with third No. 66, fourteen hundred and fourteen feet west of the west switch at Dotsero, 9:47 p. m. It is admitted by the train crew that the engineer of No. Five blew the whistle at or near the east whistling post east of Dotsero, which is one of the requirements on all railways. However, the train crew seemed not to be aware they had reached Dotsero until they were crossing the west switch at Dotsero (passing the siding), which switch is 2,735 feet west of the east switch.

The west switch is the one that third No. 66 should have taken in order to clear No. Five as per order No. 37.

In accordance with the rules of the company, third No. 66 should have their train on the Dotsero siding, clear of the main line, at nine fifty (9:50) p. m., five minutes before the time No. Five was due to leave Dotsero, as per order No. 37.

It appears the train known as third No. 66 had ample time to take its place on the side-track and clear the main line in

accordance and within the rules of the Company, as they were within 1,414 feet of the west switch at 9:47 p. m.

The physical character of the main line, with reference to curvature, so obscured the view of both crews to such an extent that they were unable to prevent collision, once they were in sight of each other. Five hundred and fifty feet west of the west switch at Dotsero the track makes a curve to the left, which, in going west, would be on the Fireman's side of the engine. This curve is known as a nine and a half degree curve and is 626 feet long. The high bank on the inside of the curve obscures the view ahead at about midway of the center stretch.

Passing through Dotsero from the east, No. Five was running down a grade of about 26 feet to the mile. The accident occurred at the foot of the grade.

The freight train known as Third No. 66 approaching the switch at Dotsero was passing over a level grade. The track at the place of collision is straight only for a distance of about 480 feet. Third No. 66, before coming on this short, straight piece of track, passed around a curve to the left. This curve is an eight degree curve. A view of approaching trains on the main line could only be obtained from the Fireman's side of the engine, still further obscured by high banks and cuts.

The Commission was accorded every facility by the Company Officials in order to arrive at the facts. One member of the Commission was present at the examination of all the members of the train crews except three, who were too much injured to appear.

The Commission was furnished with copies of all train orders which were issued to cover the movement of these trains, which form of orders are the same as are used by all railways operating west of the Missouri river.

The responsibility for this accident rests on the train crew of Train No. 5 of January 15, 1909; Gus Olsen, Engineer, and A. McCurdy, Conductor in charge.

"UNCLE SAM" WRECK.

The "Uncle Sam" wreck occurred on the D. & R. G. R. R. at Denver, Colorado, June 16, 1909, as a result of a derailment, killing the Engineer and Fireman.

Suburban train No. 27, westbound, consisting of engine and two passenger cars, derailed about four hundred feet south of Mississippi street, Denver. The Engineer and Fireman were caught in and under the engine, which turned over. The passenger cars left the rails, but remained in an upright position. Cause of accident unknown.

Below will be found the report and investigation made by the Commission:

The actual cause of the derailment of the train on the Denver & Rio Grande Railroad, which occurred on June 16th at about 4 p. m. of that day, between Mississippi and Iowa streets in South Denver, wherein Engineer M. P. Kerin and Fireman William F. Christy were killed, cannot absolutely be placed, as a number of things may have occurred of which no one has any knowledge.

In the opinion of the Commission it is a bad practice to haul passenger trains with an engine tail end first; in fact, it is considered unsafe to do so. There may sometimes occur a necessity for so doing, but in such cases, if passengers are being hauled, a limit of 15 miles an hour would be the safest limit.

The Commission recommends that the D. & R. G. R. R. Co. and other roads similarly situated put in a "Y" at the point where the run ends, as in the case at Fort Logan, so as to turn their engines and run them as they are intended to be run, *head end first*.

It is true the accident might have occurred had the engine been head first, and it is also true that the casualties might have been greater than they were, but under ordinary circumstances and conditions the liabilities are much greater when backing up than when going ahead.

HAND-CAR WRECK, PLATTE CANON.

The hand-car wreck in Platte canon occurred on the Colorado & Southern Railway July 11, 1909, in which one employe and three trespassers were killed and six trespassers were injured.

Extra freight westbound, Engine No. 40, Conductor S. S. Cheney, Engineer S. T. Thady, Brakeman B. E. Felti, running eighteen miles per hour, on turning sharp curve in canon collided with hand-car, which was 250 feet ahead of the engine when first seen, running east down-grade at twenty-five miles an hour. Section Foreman W. H. McCann had no authority to take party on his car. The greater number on the hand-car jumped before the collision occurred.

HUSTED WRECK.

The Husted wreck occurred on the Denver & Rio Grande Railroad east of Husted, Colorado, August 14, 1909.

No. 8 eastbound passenger had orders to meet second Sec. No. 1 passenger at Husted. No. 8 violated said orders and collided with second No. 1 two hundred to three hundred feet east of the east switch at Husted, killing twelve people and more or less injuring fifty passengers and three employes. One passenger died as a result of his injuries August 18, 1909.

Below will be found a report of investigation and hearing of the Commission:

REPORT ON THE ACCIDENT ON THE D. & R. G. R. R.
AT HUSTED, COLO., AUGUST 14, 1909,

BY THE STATE RAILROAD COMMISSION OF COLORADO.

The Commission, in conformity with the law under which it is acting, has made a personal investigation of the wreck and causes which led up to it, occurring on the line of the Denver & Rio Grande R. R. on the 14th day of August, 1909, at Husted, Colorado, about 10:20 a. m., where Train No. 8, an eastbound passenger train, collided, head-on, with westbound passenger train 2d No. 1 at a point about 600 feet east of the east end of the passing track at Husted, Colorado, twelve persons being killed and many others injured.

In this investigation the Commission took great pains to not only place the responsibility of the wreck, but to ascertain as far as possible the causes leading up to accidents of this nature, which are of too frequent occurrence.

The Commission finds that the men in charge of Train No. 8, the eastbound train, received orders at Colorado Springs to meet 2d No. 1 at Husted, this order being in the regular form and in strict conformity with rules laid down governing the issuance of train orders.

The orders for train 2d No. 1 were sent to and received by the crew in charge of train at Palmer Lake, their order also being plain and explicit, the same as the order received by crew of No. 8.

From whatever point our investigation has been able to reach—and we think we have given this case as thorough an investigation as is possible, every detail of which could be embodied in this report if it were deemed essential—the facts are that the orders were properly given, properly received by the men to whom they were issued, and properly understood by the men who received them, and we can find no cause or excuse for their not being obeyed in conformity with their reading. Had they been, there would have been no wreck at that place at that time; therefore, as far as placing the responsibility of this wreck, in our opinion it lies and rests upon the crew of Train No. 8 alone—no blame or responsibility can attach to the crew of 2d No. 1, as they were clearly in their right at the time of the collision. It was testified before the Commission by one of the trainmen that after Train No. 8 had entered the west switch and before it had reached the station, and again between the station and the east switch, that he said to the engineer that the engine standing on the side-track was not 2d No. 1, and this evidence was corroborated.

OTHER QUESTIONS.

In our investigation we went into the question of rules for governing employes in the movement of trains by telegraph, for the purpose of determining whether the rules as laid down in the Book of Rules and Regulations of the operating department had been complied with in this particular case.

The testimony at the hearing before the Commission was to the effect that Rule 208, as published in the Book of Rules, which reads "whenever practical," has been considered a dead letter by the employes and officers of the road, never having been put into effect or use except in isolated cases.

The reason given for not using this rule is that over fifty per cent. of the passing tracks on this Division of the road, and a greater per cent. even than that on other portions of the system, are not equipped with telegraphic facilities or operators, these sidings being simply passing tracks for trains whenever necessary. This rule applies to what is commonly called "The Middle Order," i. e., the order must be transmitted simultaneously to as many offices as practicable, and when practicable must include the operator at the meeting or waiting point.

The contention made by the dispatchers and the Division Superintendent is, that inasmuch as fifty to seventy-five per cent. of their stations are non-telegraph stations, that if this "Middle Order" or signal were used it would have a tendency to cause trainmen to rely on these signals or orders, and when left to their own resources, a majority of the meeting or passing tracks being non-telegraph stations, it would tend to cause the men to relax their vigilance, thereby constituting an additional element of danger; therefore, the placing of a "Middle Order" at stations where there is an operator is, under these circumstances and conditions, deemed unwise and impracticable; that the only practicable way to use a "Middle Order" is to make all stations telegraph stations.

Therefore, in view of all the testimony brought out at the hearing, and in addition to what we have been able to learn from other authoritative sources, the Commission is somewhat in doubt as to the advisability of requiring the Denver & Rio Grande R. R. to make any changes in the rules now in effect on that system.

These rules are the result of careful thought and study and were made by men who were and are experienced in all such matters; they are not the emanations of a single individual mind, but the combined effort of a number of men who were, owing to their experience and special qualifications, considered experts in matters of this kind; and, while it may appear to some that this Rule 208 should be put in force, yet, under all circumstances and conditions, and for the above reasons, this Com-

mission hesitates when it comes to assuming that we are better qualified to pass upon a question of so vital importance as this certainly is.

Therefore, the Commission will not make any recommendations or take any action on Rule 208 at this time.

BLOCK SIGNALS.

The Commission has given this subject a great deal of thought and study, with the idea that the installation of the Block Signal System by the Denver & Rio Grande and other railroads would, in a measure at least, lessen the liability of accidents similar to the one which occurred at Husted on August 14th last being repeated. But the question of Block Signals is a large one, having so much in its favor—and then again, so much can be said against the various systems now in use.

There is no question but that a Block Signal System, if properly constructed and properly applied to the purposes for which it is intended, would in a measure lessen these casualties. However, at this time there seems to be a great diversity of opinion among many of our most expert authorities on this subject. The railroads are spending millions of dollars annually in installing safety appliances and supervising the workings of same. When we read of the many serious accidents and the comments on same by the public press, is it any wonder that the Government, the States and the railroads are actively seeking improved methods of handling trains?

The Interstate Commerce Commission has a Board consisting of four of its members, whose function is to investigate and test block signal systems and other devices designed to promote the safety of railroad operations. The authority under which this I. C. C. Board acts was given by the Sundry Civil Appropriation Act, approved May 27, 1908. It has examined unto the merits of several hundred inventions and alleged inventions, and out of this immense number presented, only twelve of these plans or devices were found of sufficient merit to warrant any encouragement to the inventors, and out of the whole number only four have been installed. The Board, nearly two years ago, endorsed the recommendation of the Interstate Commerce Commission that legislation be enacted looking towards the compulsory use of the block signals. Up to the present time, however, no system of block signals has been demonstrated which meets with the approval of the entire Board.

The many attempts made to improve the block signal systems being made by various inventors fully demonstrate that the present system is not satisfactory, and the Congress of the United States has been requested by the National Association of Railway Commissioners to enact a law compelling railroad companies, both steam and interurban electric roads, to protect

tracks by an automatic block system, the same to be approved by the Interstate Commerce Commission. As yet no law covering this question has been enacted.

Therefore, in consideration of all the information pro and con on this subject, this Commission feels that it would possibly be doing an injustice to the railroads of this State were it to make an order compelling them at great expense to install a block system on their various lines, as long as the merits of the several systems now in use fail to meet the approval of a majority of those men who ought to be, and in our judgment are, able to pass upon so important a matter.

And yet we feel that it is absolutely imperative that additional safeguards be thrown around the traveling public and the employes of the transportation lines within this State, and with this end in view the Commission has taken the matter up with officials of the different railroads, and the matter is being worked out in what we conceive to be the best way under existing conditions.

The question of Block Signals is one of the features under consideration; also, improved methods of signals for trains. The question of substituting telephones for telegraphs, for purposes of dispatching trains, is another; and still another, to our mind of very great importance, possibly greater than all others, is the question of double tracking as much of the system as is practicable. And in this connection we desire to say this should be done at as early a day as possible at the points of greatest congestion of traffic by all the State roads.

Within the present year two accidents have occurred on the Denver & Rio Grande R. R. where two passenger trains met, head-on, on the main track, with great loss of human life. In both cases the direct and undeniable cause of these accidents was that the employes in charge of the trains, for some reason unfathomable by us, failed to obey definite and positive orders received by them from the dispatcher, and which in both cases they acknowledged they understood. What these two accidents have cost the Company we have no way of knowing at this time, but there is little doubt but that the cost of repairs and damages will figure into many thousands of dollars, and when we take into consideration that the traffic, both passenger and freight, is increasing at a rapid rate on this road and the carrying capacity is necessarily taxed in order to take care of the business, and, inasmuch as a very large per cent. of accidents occurring on roads where loss of human life has been greatest, have happened on the main line (and head-on), it is quite evident that these accidents would not occur on a double track, where the current of traffic on one track is in a specified direction and on the other in the opposite direction.

Therefore, in view of all these facts and after a very careful study of the causes of accidents occurring on this road as

well as on other roads where a single track is used, this Commission deems it its duty to recommend to the Denver & Rio Grande Railroad, as well as to other roads which have reached a like density of traffic, that where practicable, and on such portions of their lines in this State where the traffic is the heaviest, that they build and maintain double tracks, so as to minimize to the greatest degree the number of accidents.

And we further recommend that additional signal devices be installed and put in effect whereby a greater degree of safety to employes and the traveling public may be attained.

THE STATE RAILROAD COMMISSION OF COLORADO:

(Signed) AARON P. ANDERSON,
DANIEL H. STALEY,
WORTH L. SEELY,
Commissioners.

Dated at Denver, Colorado, this tenth day of November,
A. D. 1909.

GLACIERS WRECK, GLACIERS, COLORADO.

The Glaciers wreck occurred on the Denver & Rio Grande Railroad December 18, 1909, in which one passenger and one employe were killed by rear-end collision.

Extra east engine No. 269, Conductor Sanberg, ran into rear end of train 348 standing on main line, fatally injuring the two who afterwards died, and who at the time were riding in combination car of No. 348. It is alleged that the cause of the accident was due to improper flagging.

Below we give investigation of the Commission:

The Glaciers wreck occurred at Glaciers, Colorado, on the D. & R. G. R. R., December 18, 1909. William Crogan, of Gunnison, a passenger, and John Clifford, of Gunnison, roadmaster, employe, were killed.

This accident occurred on the branch line of the Denver & Rio Grande Railroad running from Gunnison to Crested Butte, a narrow gauge track, being 28.65 miles in length. Glaciers, the point where the accident occurred, is 5.79 miles from Crested Butte. Crested Butte and vicinity are coal producing points. There is only one train a day each way on this branch—going and returning—being a mixed or accommodation train, and only one crew for its operation, the same crew handling the train each way; the only exception to this rule is when a congestion of traffic occurs or a snow blockade is threatened, as was the case on the 18th inst., when an engine was sent there to help clean up the business and clear the track of snow.

In this particular case it seems that engine 269 was sent there for the purpose of cleaning up stock known as the Hard Coal Branch, and was on its return trip after having completed the work, when it telescoped the rear car of train No. 348, which had stopped at the water tank at Glaciers for the purpose of taking water, but on account of some displacement of the fixtures of the tank, owing to the extreme cold weather prevailing, more time was consumed than ordinarily required. The brakeman, so it is claimed, was sent back to flag the eastbound (engine No. 269), but, owing to the severe storm then raging, failed to attract their attention, the result being they ran into No. 348, killing the above named people.

Just who was responsible for the accident we do not presume to say, but that it rests upon the employes who had these trains in charge is quite evident. We do not think there is any valid reason for assuming this accident is attributable to the lack of any signal system being in use. Men who handle trains must necessarily assume some responsibility, and it does not seem to us in this case that such responsibilities were burdensome.

DERAILMENT AT BUSK.

Derailment between Busk and Arkansas Junction occurred on The Colorado Midland Railway January 16, 1910, in which three employes and one trespasser were killed, and one employe injured.

The engineer was unable to account for the train getting away. The air was working all right, and immediately after leaving Busk the train got beyond control and the entire train, except caboose and one car, went down embankment, injuring the Engineer and killing the Conductor, Brakeman and Fireman and a trespasser who was stealing a ride.

MOFFAT WRECK.

One Mile West of Antelope.

The wreck on the Moffat Road, The Denver, Northwestern & Pacific, occurred January 19, 1910, one mile west of Antelope, killing three persons and injuring two, who were employes of the Railway Company.

The train left Jenny Lake M. P. 61 at 6:25 o'clock p. m. and was wrecked at M. P. 57 at about 6:45 o'clock p. m. The conductor reported that the brakes held well from Corona to Jenny Lake. The train stopped at Jenny Lake long enough to put on a brake shoe, and after passing around Yankee Doodle Lake, the train started to increase speed. The emergency was pulled but had no effect. The weather was cold, clear and windy. It is thought that the air brake might have become

frozen, as the Engineer was an experienced man, having made a special study of air brakes.

The Commission attended the coroner's inquest where the following verdict was rendered:

"That the following named men, to wit, William C. Gray, A. H. Hasock and W. W. Fertig came to their death due to a railroad accident on the Denver, Northwestern & Pacific Railroad on January 19th, 1910, between 6:45 and 6:50 p. m., three-quarters of a mile west of Antelope, in Gilpin County, Colorado, by the train leaving the track; after thorough investigation of all witnesses available and inspection of the scene of the accident, we exonerate The Denver, Northwestern & Pacific Railroad from all responsibility, and we are satisfied it is one of those unavoidable accidents that frequently occur in mountain railroading."

TRAMWAY WRECK.

The Tramway wreck occurred on the Rock Island Railroad at Forty-second avenue and Josephine street, Denver, February 23, 1910, in which a Rock Island passenger train westbound collided with a Tramway car, killing a woman passenger and motorman on said Tramway car and injuring a student motorman.

The engineer on the Rock Island train was unable to see the street car nearing the crossing, because of obstructed view. The street car moved upon the crossing directly in front of the approaching train. The engineer was unable to avoid collision. The train whistled for crossing and an automatic bell on the engine was ringing; the speed of train said not to have exceeded provisions of city ordinance.

Report of investigation and recommendation of the Commission:

The accident which occurred on February 23d, 12:26 p. m., at Forty-second avenue and Josephine street, on the Kansas City branch of the Union Pacific Railroad, when and where the Chicago, Rock Island & Pacific Railroad passenger train No. 39, engine No. 646, running over the Union Pacific track from Limon to Denver, struck an inbound tramway car, killing Mrs. Bessie Miller and injuring John Joyce, motorman of the Tramway car, to such an extent that he subsequently died of injuries received, was investigated by the Commission and findings are hereby submitted without giving all the details connected with the investigation.

FINDINGS.

In placing the responsibility of this accident, we can only say that the motorman of the Tramway car who threw the derailling switch was the one man responsible, but there is another feature connected with this matter which should receive careful consideration so that accidents of like character and occurring

under similar circumstances may not happen again at either this particular place or any other place where there are crossings situated as is the crossing at Forty-second avenue and Josephine street. It is, to say the least, very much of a death trap. The surroundings are such that neither the railroad engineer or the Tramway car motorman has or can possibly get an unobstructed view; and especially is this true when applied to incoming trains.

RECOMMENDATION.

There are in our opinion one of two things which should be done in order that like accidents may not be repeated at this particular crossing, or at any other crossing where the surroundings are similar. First: All trains should be required to come to control before crossing, and remain in control until the engine pulling the train is clearly over the crossing. Second: Or, that a flagman be kept on duty at all hours of the day and night.

It seems to us that this matter also comes within the province of the City authorities of the City and County of Denver, they having jurisdiction over both the Tramway Company and the Railroad Company, while this Commission has jurisdiction only over the Railroad Company. The City, therefore, can make a law reaching and governing both the Denver City Tramway Company and the Railroad Company, while any order we might issue would be directed solely to the Railroad Company.

We strongly recommend that steps be taken at as early a day as practicable to enforce and bring about additional safeguards against similar accidents at this and other points where the surroundings are the same.

CUCHARA WRECK.

The Cuchara wreck occurred on the D. & R. G. R. R., one and a half miles east of Cuchara, Colorado, May 25, 1910. Cause of accident, derailment, on account of a broken rail. Eighteen passengers and two employes were injured.

Below will be found the investigation of the Commission:

The investigation of the accident which occurred about one and a half miles east of Cuchara, on the line of the Denver & Rio Grande, at 2:30 A. M. May 25, 1910, when D. & R. G. train No. 115 was derailed.

This track is used jointly by the Denver & Rio Grande Railroad and the Colorado & Southern Railway, between Southern Junction and Cuchara. A careful inspection of conditions showed that the accident was caused by a broken rail, the rail itself being in evidence and bearing testimony of this fact. The train ran only about 140 or 150 feet after leaving the track. The speed could not have been excessive, as no evidence of any great impact existed, and the train cars not being broken apart or dam-

aged to any great extent. About seventy-five ties were used to repair the track. What the condition of the ties under the broken rails was, the Commission is unable to say, as new ties had been put in before any of its members arrived there (one Commissioner having arrived at the scene of the wreck early on the morning of May 26th, and before the wrecked cars had been picked up).

This section of the road between Southern Junction and Cuchara, a distance of about forty-five miles, does a very heavy volume of traffic, and in a number of places the ties are in bad condition and need replacing—this, however, it seems is being done.

The average running time of passenger trains over this section of the road is only about twenty to twenty-two miles per hour.

The engine pulling the train was number 723, Engineer Tressler, Conductor Suitor. No blame can be attached to the employes.

WRECK ON THE DENVER, LARAMIE & NORTHWESTERN RAILROAD AT UTAH JUNCTION.

The wreck on the D., L. & N. W. R. R. at Utah Junction occurred November 25, 1910, in which a hostler was killed and three passengers and the Conductor and Brakeman were injured.

Hostler S. P. Nelson backed engine No. 4 in on side track (south leg to wye) at about six o'clock P. M.; left switch open and got under the engine, evidently to clean the ash pan. (This was unnecessary, as the engine was equipped with ash pan blower.) Passenger train No. 3, northbound, ran into the engine, the Engineer having been unable to stop after discovering that the switch was open. Air brakes in good condition. Speed of train No. 3 at time of contact probably eight or ten miles an hour. Pilots and pilot beams on engines were broken, front ends caved in and both engine frames bent; saddle on engine No. 4 destroyed.

Hostler Nelson had been on duty last before going to work on date in question at 6:00 P. M. November 24th, off duty at 7:00 A. M. November 25th. Commenced work evening of the accident at 6:00 P. M., having had eleven hours rest before going to work. His railroad experience was as follows:

Locomotive fireman, 2 years.

Locomotive engineer, 14 years.

Engine hostler D., L. & N. W., 4 months.

PART VI.

RULES OF PRACTICE
CIRCULARS ISSUED AND FORMS
ADOPTED

RULES OF PRACTICE BEFORE THE STATE RAILROAD COMMISSION OF COLORADO IN CASES AND PROCEEDINGS UNDER THE ACT TO REGULATE COMMON CARRIERS.

I.

Public Sessions.

The general sessions of the Commission for hearing contested cases will be held at its office on such days and at such hour as the Commission may designate.

When special sessions are held at other places, such regulations as may be necessary will be made by the Commission. Regular meetings of the Commission are held on the first and third Mondays in each month, at 10 o'clock a. m.

II.

Parties to Cases.

Any person, firm, company, corporation or association, mercantile, agricultural or manufacturing society, body politic or municipal organization, may complain to the Commission by petition, of anything done or omitted to be done, in violation of the provisions of the act to regulate common carriers, by any common carrier or carriers subject to the provisions of said act. Where a complaint relates to the rates or practices of a single carrier, no other carrier need be made a party, but if it relates to matters in which two or more carriers, engaged in transportation by continuous carriage or shipment, are interested, the several carriers participating in such carriage or shipment are proper parties defendant.

Where a complaint relates to rates or practices of carriers operating different lines, and the object of the proceedings is to secure correction of such rates or practices on each of said lines, all the carriers operating such lines must be made defendants.

Persons or carriers not parties may petition in any proceeding for leave to intervene and be heard therein. Such petition shall set forth the petitioner's interest in the proceedings. Leave granted on such application shall entitle the intervenor to appear and be treated as a party to the proceeding, but no person, not a carrier, who intervenes in behalf of the defense, shall have the right to file an answer or otherwise become a party, except to have notice of and appear at the taking of testimony, produce and cross-examine witnesses, and be heard in person or by counsel on the argument of the case.

III.

Complaints.

Complaints of unlawful acts or practices by any common carrier must be by petition, setting forth briefly the facts claimed to constitute a violation of the law. The name of the carrier or carriers complained against must be stated in full, and the address of the petitioner, with the name and address of his attorney or counsel, if any, must appear upon the petition. The complainant must furnish as many copies of the petition as there may be parties complained against to be served.

The Commission will cause a copy of the petition, with notice to satisfy or answer the same within twenty days, to be served personally or by mail, in its discretion, upon each carrier complained against.

IV.

Answers.

A carrier complained against must answer or satisfy the complaint within twenty days from the date of the notice above provided for, but the Commission may, in a particular case, require the answer to be filed within a shorter time. The time prescribed in any case may be extended, upon good cause shown, by special order of the Commission. The original answer, together with two copies thereof, must be filed with the Secretary of the Commission, and a copy thereof at the same time served, personally or by mail, upon the complainant. The answer must specifically admit or deny the material allegations of the petition, and also set forth the facts which will be relied upon to support any such denial. If a carrier complained against shall make satisfaction before answering, a written acknowledgment thereof, showing the character and extent of the satisfaction given, must be filed by the complainant, and in that case the fact and manner of satisfaction, without other matter, may be set forth in the answer. If satisfaction be made after the filing and service of an answer, such written acknowledgment must also be filed by the complainant, and a supplemental answer setting forth the fact and manner of satisfaction must be filed by the carrier.

V.

Notice in Nature of Demurrer.

A carrier complained against who deems the petition insufficient to show a breach of legal duty, may, instead of answering, or formally demurring, serve on the complainant notice of hearing on the petition; and in such case the facts stated in the petition will be deemed admitted. A copy of the notice, with a return of service, must be filed with the Commission.

The filing of an answer, however, will not be deemed an admission of the sufficiency of the petition, but a motion to dismiss for insufficiency may be made at the hearing.

VI.

Serving of Papers.

Copies of notices or other papers must be served upon the adverse party or parties, personally or by mail; and when any party has appeared by attorney, service upon such attorney shall be deemed proper service upon the party.

VII.

Amendments.

Upon application of any party, amendments to any petition or answer, in any proceeding or investigation, may be allowed by the Commission in its discretion.

VIII.

Adjournments and Extensions of Time.

Adjournments and extensions of time may be granted upon the application of any party in the discretion of the Commission.

IX.

Stipulations.

The parties to any proceeding or investigation before the Commission may, by stipulation in writing filed with the Secretary, agree upon the facts, or any portion thereof, involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. It is desired that the facts be thus agreed upon whenever practicable.

X.

Hearings.

Upon issue being joined by the service of an answer or notice of hearing on the petition, the Commission will assign a time and place for hearing the case, which will be at its office, unless otherwise ordered. Witnesses will be examined orally before the Commission, unless their testimony be taken or the facts be agreed upon as provided for in these rules. The complainant must in all cases establish the facts alleged to constitute a violation of the law, unless the carrier complained against admits the same or fails to answer the petition. The carrier must also prove facts alleged in its answer, unless ad-

mitted by the petitioner, and fully disclose its defense at the hearing.

In case of failure to answer, the Commission will take such proof of the facts as may be deemed proper and reasonable, and make such orders thereon as the circumstances of the case appear to require.

Cases may be argued orally upon submission of the testimony, unless a different time shall be agreed upon by the parties or directed by the Commission, but oral argument may be omitted in the discretion of the Commission.

XI.

Deposition.

The testimony of any witness may be taken by deposition, at the instance of a party, in any proceeding or investigation before the Commission, and at any time after the same is at issue. The Commission may also order testimony to be taken by deposition, in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Reasonable notice must be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, which notice shall state the name of the witness and the time and place of the taking of his deposition, and a copy of such notice shall be filed with the Secretary.

When testimony is to be taken on behalf of a common carrier in any proceeding instituted by the Commission on its own motion, reasonable notice thereof in writing must be given by such carrier to the Commission itself, or to such person as may have been previously designated by the Commission to be served with such notice.

Depositions shall conform to the provisions of the Code of Procedure governing courts of this State as near as possible.

XII.

Witnesses and Subpoenas.

Subpoenas requiring the attendance of witnesses to any designated place of hearing, for the purpose of taking the testimony of such witnesses orally before one or more members of the Commission, will, upon application of either party, or upon the order of the Commission directing the taking of such testimony, be issued by any member of the Commission.

Subpoenas for the production of books, papers or documents (unless directed to issue by the Commission upon its own motion) will only be issued upon application in writing; and when it is sought to compel witnesses not parties to the proceeding, to produce such documentary evidence, the application must be

sworn to and must specify, as nearly as may be, the books, papers or documents desired; that the same are in the possession of the witness or under his control; and also, by facts stated, show that they contain material evidence necessary to the applicant. Applications to compel a party to a proceeding to produce books, papers or documents need only set forth in a general way the books, papers or documents desired to be produced, and that the applicant believes they will be of service in the determination of the case.

XIII.

Rehearings.

Applications for re-opening a case after final submission, or for rehearing after decision made by the Commission, must be by petition, and must state specifically the grounds upon which the application is based. If such application be to re-open the case for further evidence, the nature and purpose of such evidence must be briefly stated, and the same must not be merely cumulative. If the application be for rehearing, the petition must specify the findings of the fact and conclusions of law claimed to be erroneous, with a brief statement of the grounds of error; and when any recommendation, decision or order of the Commission is sought to be reversed, changed or modified on account of facts and circumstances arising subsequent to the hearing of or consequences resulting from compliance with such recommendations, decision or order which are claimed to justify a reconsideration of the case, the matter relied upon by the applicant must be fully set forth. Such petition must be duly verified, and a copy thereof, with notice of the time and place when the application will be made, must be served upon the adverse party, at least one day before the time named in such notice.

XIV.

Printing of Pleadings, Etc.

Pleadings, depositions, briefs and other papers of importance, when not printed, only one side of the paper shall be used.

XV.

Copies of Papers or Testimony.

Copies of any petition, complaint or answer in any matter or proceeding before the Commission, or any order, decision or opinion by the Commission, will be furnished without charge, upon application to the Secretary by any person or carrier party to the proceeding.

XVI.

Compliance With Orders Against Carriers.

Upon the issuance of an order against any carrier or carriers, such carrier or carriers must promptly, upon compliance with its requirements, notify the Secretary that action has been taken in conformity with the order; and when a change in rates is required, such notice must be given in addition to the filing of a schedule or tariff showing such change in rates.

XVII.

Information to Parties.

The Secretary of the Commission will, upon request, advise any party as to the form of petition, answer or other paper necessary to be filed in any case, and furnish such information from the files of the Commission as will conduce to a full presentation of facts material to the controversy.

XVIII.

Address of the Commission.

All complaints concerning anything done or omitted to be done by any common carrier, and all petitions or answers in any proceeding, or applications in relation thereto, and all letters and telegrams for the Commission, must be addressed to the Secretary at Denver, unless otherwise specially directed.

RULE OF PROCEDURE AS TO PETITIONS.

A petition, stating in full details but as briefly as possible the matter complained of, must be filed with the Secretary of the Commission, together with two (2) copies thereof.

Twenty (20) days will be allowed the common carrier complained of to satisfy the complaint, or answer the same in writing.

Hearings on petitions will be had as expeditiously as possible after the issues are complete.

FORMS—FOR PETITIONS.

Adopted by the State Railroad Commission of Colorado.

These forms may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary.

I.

Complaint Against a Single Carrier.

A. B. against The.....Company.

The petition of the above named complainant respectfully shows:

1. That (here let complainant state his occupation and place of business).

2. That the defendant above named is a common carrier engaged in the transportation of passengers and property by railroad between.....and....., in the State of Colorado, and as such common carrier is subject to the act to regulate common carriers.

3. That (here state concisely the matters intended to be complained of. Continue numbering each succeeding paragraph as in Nos. 1, 2 and 3).

Wherefore, the petitioner prays that the defendant may be required to answer the charges herein, and that after due hearing and investigation an order be made commanding the defendant to cease and desist from said violations of the act to regulate common carriers and for such other and further order as the Commission may deem necessary in the premises.

(If reparation for any wrong or injury be desired, the petitioner should state the nature and extent of the reparation he deems proper.)

Dated at..... 191...

.....Signature.

State of..... County of.....ss.

A. B., being duly sworn, says that he is the complainant in this proceeding, and that the matters and things set forth in the foregoing petition are true of his own knowledge.

A. B.

Subscribed and sworn to before me this....day of.....

C. D.,

Notary Public.

(Or other officer authorized to administer oaths.)

II.

Complaint Against Joint or Connecting Carriers.

State Railroad Commission of Colorado.

A. B. against The.....Company (here set out in full titles of the several carriers complained against).

The petition of the above named complainant respectfully shows:

1. That (here let complainant state his occupation and place of business).

2. That the defendants above named are common carriers, and under a common control, management or arrangement, for continuous carriage or shipment, are engaged in the transportation of passengers and property wholly by railroad between.....and....., in the State of Colorado, and as such common carriers are subject to the act to regulate common carriers.

(Then proceed as in Form No. 1.)

CIRCULAR NO. 5.

IN THE MATTER OF MODIFICATION OF THE PROVISIONS OF SECTION SIX OF THE ACT WITH REGARD TO POSTING TARIFFS AT STATIONS.

Under the authority conferred upon the Commission by section 7 of the act, to modify its requirements as to publishing, posting and filing of tariffs, the Commission issues the following order, in connection with which it must be understood that each carrier has the option of availing itself of this modification of the requirements of section 6 of the act or of complying literally with the terms of the act. If such modification is accepted by a carrier it must be understood that misuse of the privileges therein extended or frequent misquotation of rates on the part of its agents will result in cancellation of the privileges as to that carrier. It should also be understood that in so modifying the requirements of the act the Commission expects a continuation by carriers of the practice of furnishing tariffs to a reasonable extent to frequent shippers thereunder.

Every carrier subject to the provisions of the act to regulate commerce shall place in the hands and custody of its agent or other representative at every station, warehouse or office at which passengers or freight are received for transportation, and at which a station agent or a freight agent or a ticket agent is employed, all of the rate and fare schedules which contain rates and fares applying from that station or terminal, or other charges applicable at that station, including the schedules issued by that carrier or by its authorized agent and those in which it has concurred. Such agent or representative shall also be provided with all changes in, cancellations of, additions to, and reissues of such publications in ample time to thus give to the public, in every case, the required notice.

Such agent or representative shall be provided with facilities for keeping such file of schedules in ready-reference order, and be required to keep said files in complete and readily accessible form. He shall also be instructed and required to give any information contained in such schedules, to lend assistance to seekers for information therefrom, and to accord inquirers opportunity to examine any of said schedules, without requiring or requesting the inquirer to assign any reason for such desire, and with all the promptness possible and consistent with proper performance of the other duties devolving upon him. He shall also furnish upon request therefor quotation in writing of rates via such carrier's line not contained in the tariffs on file at that station. Carrier may arrange for such agent to refer such requests to a proper officer of the company, but the quotation must be furnished within a reasonable time and without unnecessary delay.

Each of such carriers shall also provide and each of such agents or representatives shall also keep on file copies of the current issues of the indices of the tariffs of that carrier.

Each of such carriers shall also provide, either in its indices of tariffs or in separate publication or publications, which must be kept up to date, and be filed with the Commission, an index or indices of the tariffs that are to be found in the files at each of its several stations or offices. Such index shall be kept on file and be open to inspection at each of such several stations or offices as hereinbefore provided. If such indices are prepared for a system of road or for a number of stations or offices they must be printed and may be arranged under a system of station numbers and alphabetical list of stations. If arranged for individual stations or offices they may be printed or typewritten. All such indices must be the required standard size of tariffs.

Each of such carriers shall require its traveling auditors to check up each station's or office's file of tariffs at least once in each six months, unless it employs one or more traveling tariff inspectors, who will make such inspections and checks.

Each of such carriers shall also provide and cause to be posted and kept posted in two conspicuous places in every station waiting room, warehouse or office, at which schedules are so placed, in custody of agent or other representative, notices printed in large type and reading as follows:

"The rate and fare schedule applying from or at this station and indices of this company's tariffs are on file in this office, and may be inspected by any person upon application and without the assignment of any reason for such desire.

"The agent or other employe on duty in the office will lend any assistance desired in securing information from or in interpreting such schedules."

At exclusive freight stations or warehouses and at exclusive passenger stations or offices carriers may, under this order, place and keep on file only the freight or passenger schedules, respectively, and in such cases the posted notices may be varied to read:

"The freight rate (or passenger fare) schedules applying from or at (or from) this station and index of this company's freight (or passenger) tariffs are on file in this office," etc.

Compliance with this order as to all available tariffs is required not later than December 1, 1908, and full compliance in every instance not later than *January 1, 1909*.

BY ORDER OF THE COMMISSION.

CIRCULAR NO. 7.

December 5, 1908.

To the Traffic Managers of Transportation Lines in Colorado:

At a meeting held on the 2d instant, the Commission, at the request of the Traffic Manager of one of the transportation companies, took under consideration the question of the legality of the clause in the tariffs of some of the transportation lines providing for reduced rates on freight consigned to company boarding houses. The Commission voted to issue the following ruling, viz.:

TRANSPORTATION FOR EATING HOUSES OPERATED
BY OR FOR CARRIERS.

Carriers subject to the act may provide at points on their lines eating houses for passengers and employes of such carriers, and property for use of such eating houses may properly be regarded as necessary and intended for the use of such carriers in the conduct of their business. Such eating houses, however, must not serve the general public, or any portion thereof, with food prepared from commodities which have been carried at less than the full published rate, and no utensils, fuel or servants at all employed in serving others than passengers and employes of the carrier as such should be carried at less than tariff rates.

BY ORDER OF THE COMMISSION.

CIRCULAR NO. 8.

February 16, 1909.

To the Transportation Lines of the State of Colorado:

Section 27 of the Act to regulate common carriers in this State, approved March 22, 1907, reads in part as follows:

"Every common carrier shall, whenever an accident attended by loss of human life shall occur within this State on its line of road or in its ground or in its yards, give immediate notice thereof to the Commission. * * * * *

This section has not heretofore been generally complied with by the railroads, and the Commission requests that a report of all such accidents be promptly filed in this office.

BY ORDER OF THE COMMISSION.

CIRCULAR NO. 9.

June 8, 1909.

To the Transportation Lines of the State of Colorado:

Referring to our recent Circular No. 8, under date of February 16, 1909:

To facilitate the forwarding of reports of accidents, as indicated in said Circular No. 8, and as required under the provisions of section 27 of the Act to regulate common carriers in this State, approved March 22, 1907, we are sending you herewith blank forms for report of accidents, as adopted and approved by the Commission, with request that you fill out and forward same immediately to this office in the event of an accident occurring on your line in this State.

BY ORDER OF THE COMMISSION.

CIRCULAR NO. 11.

December 11, 1909.

To the Common Carriers, State of Colorado:

At the regular meeting of the Commission, on December 6, 1909, the following resolution was adopted:

"Resolved, That the Commission issue an order to all common carriers within the State, requiring them to give a Colorado Railroad Commission (C. R. C.) number to all tariffs filed with this Commission, commencing

ing with January 1, 1910, and to also assign such C. R. C. number to all tariffs already on file, up to and including December 31, 1909."

This circular is in conformity therewith and to be construed as such order.

BY ORDER OF THE COMMISSION.

CIRCULAR NO. 12.

Filing of Employes' Time Tables or Schedules With the Commission.

February 7, 1910.

To the Transportation Lines of the State of Colorado:

At a regular meeting of the Colorado State Railroad Commission, held on February 7, 1910, the following order was issued, and the Secretary directed to transmit copy of same to each steam and electric railroad company doing business in the State of Colorado:

GENERAL ORDER.

It is hereby ordered and directed that all common carriers doing business in the State of Colorado file in the office of the Colorado State Railroad Commission, at Denver, Colorado, on or before the first day of March, 1910, a copy of all employes' time cards or schedules of the movement of trains on their respective lines and branches, and that thereafter when a change is made in the time card or a supplement thereto issued, the same to be promptly filed with the Commission.

BY ORDER OF THE COMMISSION.

CIRCULAR NO. 13.

February 23, 1910.

To the Transportation Lines of the State of Colorado:

Owing to the fact that carriers, in reporting accidents to the Commission, fail in some instances to make report where *injuries only* occur, the Commission, at its regular meeting, held February 21st, instant, authorized the issuance of the following order:

GENERAL ORDER.

All common carriers doing business within the State of Colorado are hereby required to file with the Commission a report of all accidents occurring on their respective lines, whenever there is a loss of life or an injury to any person or persons resulting from said accident, said common carriers to use the form of Reports of Accidents transmitted with our Circular No. 9, under date of June 8, 1909.

BY ORDER OF THE COMMISSION.

CIRCULAR NO. 15.

October 13, 1910.

To the Transportation Lines of the State of Colorado:

The Colorado State Railroad Commission desires an annual report from all common carriers doing business in this State, for the year ending June 30, 1910.

Section 19 of the act to regulate common carriers, etc., which became effective June 20, 1907, provided the manner in which the Commission may obtain the necessary data for compiling its report.

Inasmuch as the Interstate Commerce Commission requires a report from all common carriers and furnishes a form for same, as well as a form similar to its own for the use of State Commissions, we are sending you, under separate cover, two (2) of our forms, requesting that you fill out one as nearly as possible in conformity with the instructions therein contained, and file same with this Commission at your very earliest convenience, the other form to be retained by you.

Kindly acknowledge receipt of said form for Annual Report, as well as this circular.

THE COLORADO STATE RAILROAD COMMISSION.

PART VII.

OFFICERS AND MILEAGE

PRINCIPAL OFFICERS.

THE ARGENTINE CENTRAL RAILWAY COMPANY.

Name	Title.	Address.
D. W. Brown.....	President	Denver, Colorado
Chas. M. Heberton.....	First Vice-President	Denver, Colorado
A. J. Woodruff	Secretary.....	Denver, Colorado
W. W. Booth	Treasurer.....	Denver, Colorado
Clarence Morley.....	General Solicitor.....	Denver, Colorado
George B. Lott	Auditor.....	Denver, Colorado
E. J. Tuttle.....	General Manager.....	Denver, Colorado
A. G. Beverly.....	General Superintendent.....	Silver Plume, Colorado
E. J. Tuttle.....	Traffic Manager, G. F. A. and G. P. A.....	Denver, Colorado

ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY.

Name	Title.	Address.
E. P. Ripley	President	Chicago, Illinois
J. W. Kendrick.....	Vice-President	Chicago, Illinois
E. L. Copeland.....	Secretary and Treasurer.....	Topeka, Kansas
A. A. Hurd.....	Special Counsel for Kansas	Topeka, Kansas
W. E. Bailey.....	General Auditor.....	Chicago, Illinois
F. C. Fox.....	General Manager Western Lines.....	Amarillo, Texas
J. M. Kurn.....	General Superintendent.....	La Junta, Colorado
W. J. Black.....	Passenger Traffic Manager.....	Chicago, Illinois
J. M. Connell.....	General Passenger Agent.....	Topeka, Kansas
F. B. Houghton.....	Freight Traffic Manager.....	Chicago, Illinois
J. R. Koontz.....	General Freight Agent.....	Topeka, Kansas

BEAVER, PENROSE & NORTHERN RAILWAY COMPANY.

Name	Title.	Address.
C. M. MacNeill.....	President.....	Colorado Springs, Colorado
J. D. Hawkins.....	Vice-President.....	Colorado Springs, Colorado
J. Q. MacDonald.....	Secretary and Treasurer.....	Canon City, Colorado
J. H. Waters.....	General Manager.....	Colorado Springs, Colorado
J. J. Cogan.....	Traffic Manager, Auditor and General Superintendent..	Penrose, Colorado

BOOK CLIFF RAILROAD COMPANY.

Name	Title.	Address.
Isaac C. Wymann.....	President.....	Salem, Massachusetts
W. S. Phillips, Jr.....	General Manager.....	Grand Junction, Colorado

THE CANON CITY & CRIPPLE CREEK RAILROAD COMPANY.

Name.	Title.	Address.
J. H. Waters.....	President and General Manager.....	Colorado Springs, Colorado
K. C. Schuyler.....	Vice-President and General Counsel.....	Denver, Colorado
E. S. Hartwell.....	Secretary and Auditor.....	Colorado Springs, Colorado
J. R. Fusselman.....	Treasurer	Colorado Springs, Colorado
J. B. Flaherty.....	Superintendent	Cripple Creek, Colorado
F. C. Matthews.....	G. F. and P. A.....	Colorado Springs, Colorado

CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY.

Name.	Title.	Address.
D. Miller.....	President	Chicago, Illinois
C. G. Burnham.....	Vice-President	Chicago, Illinois
T. S. Howland.....	Secretary and Treasurer.....	Chicago, Illinois
C. M. Dawes.....	General Counsel.....	Chicago, Illinois
C. I. Sturgis.....	General Auditor.....	Chicago, Illinois
W. P. Durkee.....	Auditor	Omaha, Nebraska
F. E. Ward.....	General Manager	Chicago, Illinois
H. D. Judson.....	General Superintendent	Galesburg, Illinois
E. R. Puffer.....	General Freight Agent	Chicago, Illinois
John Francis.....	General Passenger Agent	Chicago, Illinois

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY.

Name.	Title.	Address.
H. N. Mudge.....	President	Chicago, Illinois
J. E. Gorman.....	First Vice-President.....	Chicago, Illinois
George H. Crosby.....	V. P., Secretary and Treasurer.....	Chicago, Illinois
E. B. Pierce.....	General Solicitor	Chicago, Illinois
W. H. Burns.....	General Auditor	Chicago, Illinois
W. S. Tinsman.....	General Manager	Chicago, Illinois
H. Gower.....	Freight Traffic Manager.....	Chicago, Illinois
L. M. Allen.....	Passenger Traffic Manager.....	Chicago, Illinois

THE COLORADO MIDLAND RAILWAY COMPANY.

Name.	Title	Address.
A. D. Parker.....	President	Denver, Colorado
C. H. Schlacks.....	Vice-President	San Francisco, California
L. B. Johnson.....	Secretary	Denver, Colorado
H. L. Hobbs.....	Treasurer	Denver, Colorado
W. S. Wing.....	Auditor	Denver, Colorado
G. W. Vallery.....	General Manager	Denver, Colorado
F. B. Miller.....	Superintendent	Colorado City, Colorado
H. C. Bush.....	Traffic Manager	Denver, Colorado
C. H. Speers.....	General Passenger Agent.....	Denver, Colorado
H. T. Rogers.....	General Solicitor	Denver, Colorado

THE COLORADO SPRINGS & CRIPPLE CREEK DISTRICT RAILWAY
COMPANY.

Name	Title.	Address.
A. D. Parker.....	President	Denver, Colorado
H. E. Byram.....	First Vice-President.....	Chicago, Illinois
E. S. Hartwell.....	Secretary and Auditor.....	Colorado Springs, Colorado
J. R. Fusselman.....	Treasurer	Colorado Springs, Colorado
E. E. Whitted.....	General Counsel	Denver, Colorado
J. H. Waters.....	General Manager	Colorado Springs, Colorado
J. B. Flaherty.....	Superintendent	Cripple Creek, Colorado
F. C. Matthews.....	G. F. and P. A.....	Colorado Springs, Colorado

COLORADO EASTERN RAILROAD COMPANY.

Name.	Title.	Address.
Henry T. Rogers.....	President	Denver, Colorado
Bernard J. Burke.....	Vice-President and General Manager	New York City, New York
Robert McDowell.....	Secretary and Auditor.....	Denver, Colorado
C. L. Horton.....	Treasurer	New York City, New York
Rogers, Ellis & Johnson.....	General Counsel.....	Denver, Colorado

THE COLORADO & SOUTHEASTERN RAILROAD COMPANY.

Name.	Title.	Address.
G. W. Bowen.....	President	Denver, Colorado
W. J. Murray.....	Vice-President	Denver, Colorado
S. I. Heyn.....	Secretary	Denver, Colorado
G. F. Bartlett.....	Treasurer	Denver, Colorado
Caldwell Yeaman.....	General Counsel	Denver, Colorado
J. M. Blee.....	Auditor	Denver, Colorado
F. E. Rose.....	Superintendent	Hastings, Colorado
W. H. Huff.....	Traffic Manager	Denver, Colorado

COLORADO & SOUTHERN RAILWAY COMPANY.

Name.	Title.	Address.
D. Miller.....	President	Chicago, Illinois
C. G. Burnham.....	First Vice-President	Chicago, Illinois
B. F. James.....	Secretary and Treasurer.....	Denver, Colorado
E. E. Whitted.....	General Solicitor	Denver, Colorado
J. H. Bradbury.....	General Auditor	Denver, Colorado
T. E. Fisher.....	General Passenger Agent.....	Denver, Colorado
H. A. Johnson.....	General Freight Agent.....	Denver, Colorado
J. D. Welsh.....	General Superintendent	Denver, Colorado
J. H. Abrams.....	Superintendent	Trinidad, Colorado

THE COLORADO & WYOMING RAILWAY COMPANY.

Name.	Title.	Address.
J. F. Welborn.....	President	Denver, Colorado
L. M. Bowers.....	Vice-President and Treasurer	Denver, Colorado
R. H. Hart.....	Secretary	Denver, Colorado
C. and F. Herrington.....	Attorneys	Denver, Colorado
J. A. Writer.....	Auditor	Denver, Colorado
R. L. Hearon.....	General Manager	Denver, Colorado

THE CRYSTAL RIVER RAILROAD COMPANY.

Name.	Title.	Address.
J. F. Welborn.....	President	Denver, Colorado
L. M. Bowers.....	Vice-President and Treasurer	Denver, Colorado
R. H. Hart.....	Secretary	Denver, Colorado
C. and F. Herrington.....	Attorneys	Denver, Colorado
R. L. Hearon.....	Auditor	Denver, Colorado
J. A. Writer.....	General Manager	Denver, Colorado

THE CRYSTAL RIVER & SAN JAUN RAILWAY COMPANY.

Name.	Title.	Address.
C. F. Meek.....	President	Marble, Colorado
C. A. Bates.....	Vice-President	New York City, New York
Spencer Welton.....	Secretary	New York City, New York
G. B. Taylor.....	Superintendent and G. F. and T. A.....	Marble, Colorado

DENVER, BOULDER & WESTERN RAILROAD COMPANY.

Name.	Title.	Address.
W. B. Hayes.....	President and Treasurer.....	Boulder, Colorado
Wm. M. Culbertson.....	Vice-President	Girard, Pennsylvania
C. M. Williams.....	Secretary and Superintendent.....	Boulder, Colorado
E. E. Whitted.....	General Counsel	Denver, Colorado
L. R. Ford.....	Auditor and Traffic Manager	Boulder, Colorado

THE DENVER, LARAMIE & NORTHWESTERN RAILROAD COMPANY.

Name.	Title	Address.
C. S. Johnson.....	President	Denver, Colorado
W. E. Green.....	Vice-President and General Manager.....	Denver, Colorado
Zeph Chas. Felt.....	Secretary	Denver, Colorado
W. E. Skinner.....	Treasurer	Denver, Colorado
John D. Milliken.....	General Counsel	Denver, Colorado
A. F. Dodd.....	Auditor	Denver, Colorado
S. K. Martin.....	G. F. A. and G. P. A.....	Denver, Colorado

THE DENVER, NORTHWESTERN & PACIFIC RAILWAY COMPANY.

Name.	Title.	Address.
D. H. Moffat.....	President	Denver, Colorado
W. G. Evans.....	First Vice-President	Denver, Colorado
F. B. Gibson.....	Secretary	Denver, Colorado
Thomas Keely.....	Treasurer	Denver, Colorado
W. F. Jones.....	Auditor and Traffic Manager	Denver, Colorado
Chas. J. Hughes, Jr.....	General Counsel	Denver, Colorado
W. A. Deuel.....	General Manager	Denver, Colorado

THE DENVER & RIO GRANDE RAILROAD COMPANY.

Name.	Title.	Address.
Edward T. Jeffery.....	President	New York City, New York
Charles H. Schlacks.....	Vice-President	San Francisco, California
Stephen Little.....	Secretary	New York City, New York
Joseph W. Gilluly.....	Treasurer	Denver, Colorado
Joel F. Vaile.....	General Counsel.....	Denver, Colorado
Edward R. Murphy.....	General Auditor	Denver, Colorado
Horace W. Clark.....	General Manager	Denver, Colorado
John W. Dean.....	General Superintendent (Colorado Lines).....	Pueblo, Colorado
Andrew S. Hughes.....	General Traffic Manager.....	Denver, Colorado
Fred Wild, Jr.....	General Freight Agent	Denver, Colorado
Shadrach K. Hooper.....	G. P. and T. A.....	Denver, Colorado

THE FLORENCE & CRIPPLE CREEK RAILROAD COMPANY.

Name.	Title.	Address.
J. H. Waters.....	President	Colorado Springs, Colorado
K. C. Schuyler.....	Vice-President and General Counsel.....	Denver, Colorado
E. S. Hartwell.....	Secretary and Auditor.....	Colorado Springs, Colorado
J. R. Fusselman.....	Treasurer	Colorado Springs, Colorado
J. B. Flaherty.....	Superintendent	Cripple Creek, Colorado
F. C. Matthews.....	General Freight and Passenger Agent.....	Colorado Springs, Colorado

GRAND JUNCTION & GRAND RIVER VALLEY RAILWAY COMPANY.

Name.	Title.	Address.
Thomas E. Curtin.....	President	Colorado Springs, Colorado
Chas. M. MacNeill.....	Vice-President	Colorado Springs, Colorado
E. A. Sunderlin.....	Vice-President and General Manager.....	Colorado Springs, Colorado
Orson Adams.....	Secretary and Treasurer.....	Grand Junction, Colorado
H. C. Hall.....	General Counsel	Colorado Springs, Colorado
L. F. McMahon.....	Auditor	Grand Junction, Colorado
J. H. Brinkerhoff.....	General Superintendent	Grand Junction, Colorado

THE GOLDEN CIRCLE RAILROAD COMPANY.

Name.	Title.	Address
J. H. Waters.....	President and General Manager.....	Colorado Springs, Colorado
K. C. Schuyler.....	Vice-President and General Counsel	Denver, Colorado
E. S. Hartwell.....	Secretary and Auditor	Colorado Springs, Colorado
J. R. Fusselman.....	Treasurer	Colorado Springs, Colorado

THE GREAT WESTERN RAILWAY COMPANY.

Name.	Title.	Address.
C. S. Morey.....	President	Denver, Colorado
Charles Boetcher.....	Vice-President	Denver, Colorado
Will L. Petrikin.....	Secretary	Denver, Colorado
M. D. Thatcher.....	Treasurer	Pueblo, Colorado
C. W. Waterman.....	General Counsel	Denver, Colorado
W. A. Dixon.....	Auditor	Denver, Colorado
E. R. Griffin.....	General Manager	Denver, Colorado

THE MANITOU & PIKE'S PEAK RAILWAY COMPANY.

Name.	Title.	Address.
C. W. Sells.....	President and Manager.....	Manitou, Colorado
J. B. Glasser.....	Secretary	Ouray, Colorado
Z. G. Simmons.....	Vice-President and Treasurer.....	Kenosha, Wisconsin
H. J. Holt.....	Auditor	Manitou, Colorado

THE MIDLAND TERMINAL RAILWAY COMPANY.

Name.	Title.	Address.
J. H. Waters.....	President and General Manager.....	Colorado Springs, Colorado
K. C. Schuyler.....	Vice-President and General Counsel.....	Denver, Colorado
E. S. Hartwell.....	Secretary and Auditor	Colorado Springs, Colorado
J. K. Fusselman.....	Treasurer	Colorado Springs, Colorado
J. B. Flaherty.....	Superintendent	Cripple Creek, Colorado
F. C. Matthews.....	G. F. and P. A.....	Colorado Springs, Colorado

THE MISSOURI PACIFIC RAILWAY COMPANY.

Name.	Title	Address
George J. Gould.....	President	New York City, New York
Charles S. Clarke.....	First Vice-President	St. Louis, Missouri
A. H. Calef.....	Secretary and Treasurer	New York City, New York
John F. Dillon.....	General Counsel	New York City, New York
S. B. Schuyler.....	General Auditor	St. Louis Missouri
A. H. Sullivan.....	General Manager	St. Louis, Missouri
B. M. Flippin.....	Freight Traffic Manager	St. Louis, Missouri
J. N. Githens.....	General Freight Agent	St. Louis, Missouri
C. L. Stone.....	Passenger Traffic Manager.....	St. Louis, Missouri

THE PUEBLO UNION DEPOT & RAILROAD COMPANY.

Name.	Title.	Address.
H. W. Clarke.....	President	Denver, Colorado
R. J. Parker.....	Vice-President.....	La Junta, Colorado
M. D. Thatcher.....	Secretary and Treasurer	Pueblo, Colorado
Thomas H. Devine.....	Attorney	Pueblo, Colorado
William Young.....	Superintendent	Pueblo, Colorado

THE RIO GRANDE SOUTHERN RAILROAD COMPANY.

Name.	Title.	Address.
E. T. Jeffery.....	President.....	New York City, New York
C. H. Schlacks.....	First Vice-President.....	San Francisco, Colifornia
J. B. Andrews.....	Secretary	Denver, Colorado
J. W. Gilluly.....	Treasurer	Denver, Colorado
Joel F. Vaile.....	General Counsel	Denver, Colorado
F. R. Murphy.....	General Auditor	Denver, Colorado
H. W. Clarke.....	General Manager	Denver, Colorado
W. D. Lee.....	General Superintendent	Ridgway, Colorado
A. S. Hughes.....	Traffic Manager	Denver, Colorado
Fred Wild, Jr.....	General Freight Agent	Denver, Colorado
S. K. Hooper.....	General Passenger Agent	Denver, Colorado

THE RIO GRANDE & PAGOSA SPRINGS RAILROAD COMPANY.

Name.	Title.	Address.
W. P. McPhee.....	President and Treasurer	Denver, Colorado
C. D. McPhee.....	Vice-President	Denver, Colorado
J. J. McGinnity.....	Secretary	Denver, Colorado
Bartels, Blood & Bancroft.....	General Counsel	Denver, Colorado
F. A. Dudrow.....	Auditor	Edith, Colorado
W. W. Hathway.....	General Manager	Edith, Colorado

THE SAN LUIS SOUTHERN RAILWAY COMPANY.

Name.	Title.	Address.
Franklin E. Brooks.....	President and General Counsel.....	Colorado Springs, Colorado
Gerald Hughes.....	First Vice-President and Treasurer.....	Denver, Colorado
H. Alexander Smith.....	Secretary	Colorado Springs, Colorado
H. C. Bretschneider.....	Auditor	San Acacio, Colorado
L. D. Blauvelt.....	General Manager	San Acacio, Colorado

SILVERTON, GLADSTONE & NORTHERLY RAILROAD COMPANY.

Name.	Title.	Address.
Mark Gallert.....	President	Boston, Massachusetts
G. H. Barnes.....	Secretary	Silverton, Colorado
J. D. Chipman.....	Treasurer	Boston, Massachusetts

SILVERTON NORTHERN RAILROAD COMPANY.

Name.	Title	Address.
Otto Mears.....	President	Denver, Colorado
J. R. Pitcher, Jr.....	Vice-President, Treasurer and General Manager.....	Silverton, Colorado
J. B. Frank.....	Secretary	Denver, Colorado
H. C. Brown.....	Auditor	Silverton, Colorado

SILVERTON RAILWAY COMPANY.

Name.	Title.	Address.
Otto Mears.....	President	Denver, Colorado
C. H. Graham.....	Vice-President	Philadelphia, Pennsylvania
J. A. Ewing.....	Secretary	Leadville, Colorado
J. R. Pitcher, Jr.....	Treasurer and General Manager	Silverton, Colorado
H. C. Brown.....	Auditor	Silverton, Colorado

THE UNION DEPOT & RAILWAY COMPANY.

Name.	Title.	Address.
A. F. Vick Roy.....	President	Denver, Colorado
A. D. Parker.....	Vice-President	Denver, Colorado
P. R. Morris.....	Secretary	Denver, Colorado
Thomas Keely.....	Treasurer	Denver, Colorado
C. C. Dorsey.....	General Counsel	Denver, Colorado

UNION PACIFIC RAILROAD COMPANY.

Name.	Title.	Address.
Robert E. Lovett.....	President	New York City, New York
John C. Stubbs.....	Vice-President and Director of Traffic.....	Chicago, Illinois
Alexander Millar.....	Secretary	New York City, New York
Frederick Crosby.....	Treasurer	New York City, New York
Maxwell Evarts.....	General Attorney	New York City, New York
C. B. Seger.....	General Auditor	Chicago, Illinois
A. L. Mohler.....	Vice-President and General Manager	Omaha, Nebraska
Charles Ware.....	General Superintendent	Omaha, Nebraska
J. A. Munroe.....	Freight Traffic Manager	Omaha, Nebraska
E. H. Wood.....	General Freight Agent	Omaha, Nebraska

UINTAH RAILWAY COMPANY.

Name.	Title.	Address.
J. M. Mack.....	President	Philadelphia, Pennsylvania
A. W. Sewall.....	Vice-President	Philadelphia, Pennsylvania
I. Atkinson.....	Treasurer	Philadelphia, Pennsylvania
M. W. Cooley.....	General Manager	Mack, Colorado
D. E. Falvey.....	Superintendent	Mack, Colorado

ELECTRIC ROADS.

PRINCIPAL OFFICERS.

THE DENVER & INTER-MOUNTAIN RAILROAD COMPANY.

Name.	Title.	Address.
Wm. G. Smith.....	President	Denver, Colorado
F. L. Butler.....	Vice-President and General Manager	Denver, Colorado
James H. Brown.....	Secretary and Attorney	Denver, Colorado
F. G. Moffat.....	Vice-President and Treasurer	Denver, Colorado
H. A. Gray.....	Auditor and Treasurer	Denver, Colorado

THE DENVER & INTERURBAN RAILROAD COMPANY.

Name.	Title.	Address.
A. D. Parker.....	President	Denver, Colorado
T. S. McMurray.....	Vice-President	Denver, Colorado
B. F. James.....	Secretary and Treasurer	Denver, Colorado
J. H. Bradbury.....	General Auditor	Denver, Colorado

THE DENVER & NORTHWESTERN RAILWAY COMPANY.

Name.	Title.	Address.
S. M. Perry.....	President	Denver, Colorado
Wm. G. Evans.....	Vice-President	Denver, Colorado
F. G. Moffat.....	Secretary and Treasurer.....	Denver, Colorado
C. J. Hughes, Jr.....	General Counsel	Denver, Colorado
W. A. Doty.....	Auditor	Denver, Colorado
John A. Beeler.....	General Superintendent	Denver, Colorado
W. G. Wheeler.....	General Freight Agent	Denver, Colorado
A. L. Hickey.....	General Ticket Agent	Denver, Colorado

EXPRESS COMPANIES.

PRINCIPAL OFFICERS.

THE ADAMS EXPRESS COMPANIES.

Name.	Title.	Address.
William M. Barrett.....	President	New York City, New York
Wm. H. Damsel.....	Vice-President in charge of Western Department.....	Chicago, Illinois
Basil W. Rowe.....	Vice-President and Treasurer	New York City, New York
Horatio H. Gates.....	Secretary	New York City, New York
Guthrie, Bangs & VanSinderen.....	General Counsel.....	New York City, New York
Henry G. Waters.....	General Auditor	New York City, New York
Jos. Zimmerman.....	G. M. in charge of traffic.....	New York City, New York
Grant D. Curtis.....	G. M. of Western Department.....	Chicago, Illinois

AMERICAN EXPRESS COMPANY.

Name.	Title.	Address.
James C. Fargo.....	President	New York City, New York
Lewis Cass Ledyard.....	First Vice-President General	New York City, New York
Wm. H. Seward.....	Secretary	New York City, New York
James F. Fargo.....	Vice-President and Treasurer	New York City, New York
Carter, Ledyard & Milburn.....	General Counsel	New York City, New York
Wm. E. Powelson.....	Comptroller	New York City, New York
John H. Bradley.....	Vice-President and General Traffic Manager..	New York City, New York

THE GLOBE EXPRESS COMPANY.

Name.	Title.	Address.
E. T. Jeffery.....	Vice-President	New York City, New York
J. B. Adams.....	Secretary	Denver, Colorado
J. W. Gilluly.....	Treasurer	Denver, Colorado
J. F. Vaile.....	General Counsel	Denver, Colorado
L. C. Keller.....	General Auditor.....	Denver, Colorado
D. D. Mayo.....	General Manager.....	Denver, Colorado

THE PACIFIC EXPRESS COMPANY.

Name.	Title.	Address.
James Eggleston.....	President.....	New York City, New York
E. B. Pryor.....	Vice-President	St. Louis, Missouri
W. R. Carter.....	Secretary and Treasurer.....	St. Louis, Missouri
J. L. Minnis.....	General Counsel.....	St. Louis, Missouri
J. A. Brewster.....	Auditor	St. Louis, Missouri
F. C. Geutsch.....	General Superintendent.....	St. Louis, Missouri
M. C. Thaxton.....	Superintendent of Traffic.....	St. Louis, Missouri

UNITED STATES EXPRESS COMPANY.

Name.	Title.	Address.
Chauncey H. Crosby.....	Vice-President and General Manager.....	New York City, New York
Albert B. Boardman.....	Secretary	New York City, New York
Edward T. Platt.....	Treasurer	New York City, New York
Frank H. Platt.....	General Counsel.....	New York City, New York
J. L. Tate.....	General Auditor.....	Jersey City, New Jersey
M. T. Jones.....	Superintendent of Traffic.....	New York City, New York

WELLS FARGO & COMPANY EXPRESS.

Name.	Title.	Address.
E. A. Stedman.....	Vice-President	New York City, New York
A. W. Zimmerman...	Secretary and Treasurer.....	New York City, New York
C. W. Stockton.....	General Counsel.....	New York City, New York
Richard Burr.....	General Auditor.....	New York City, New York
E. A. Stedman.....	General Manager of Atlantic Department.....	New York City, New York
R. A. Wells.....	General Manager of Central Department.....	Kansas City, Missouri
A. Christeson...	General Manager of Pacific Department.....	San Francisco, California
J. D. Ludlow.	Traffic Manager.....	New York City, New York
Geo. S. Lee.....	Assistant Traffic Manager....	New York City, New York

RAILROAD MILEAGE IN THE STATE OF COLORADO.

ARGENTINE CENTRAL RAILWAY COMPANY.

FROM	TO	Miles Standard Gauge.	Miles Narrow Gauge.	Miles Operated Over Other Roads.
Summit of Mt. McClellan.....	Silver Plume, Colo. ....	.....	15.9	.....

ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY.

Kansas-Colorado State Line	La Junta, Colo.....	85.88	.....	.....
La Junta, Colo.....	Denver, Colo.	180.83	.....	.....
La Junta, Colo.....	Colorado-New Mexico State Line.....	96.09	.....	.....
Canyon Junction, Colo.....	Rockvale, Colo.	35.86	.....	.....
Clelland, Colo.	Canon City, Colo.....	7.24	.....	.....
Holly, Colo.	Rocky Ford, Colo.	95.09	.....	.....
Lamar, Colo.	Karnman, Colo.	4.37	.....	.....
Las Animas, Colo.	Waveland, Colo.	2.26	.....	.....
Swink, Colo.	Shelton Junction, Colo.....	4.62	.....	.....
At Denver, Union Depot Co., Denver, Colo.....		.17	.....	.....
At Denver, Colorado & Southern Ry. Co.....		.05	.....	.....
		512.46	.....	.....

BEAVER, PENROSE & NORTHERN RAILWAY COMPANY.

FROM	TO	Miles Standard Gauge.	Miles Narrow Gauge.	Miles Operated Over Other Roads.
Beaver	Penrose	6.00

*BOOK CLIFF RAILROAD COMPANY.

Grand Junction, Colo.....	Book Cliff, Colo.....	12.00
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CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY.

Denver, Colo.	Colorado State Line.....	174.89
Denver, Colo.	Utah Junction, Colo.....	3.00	.....	.....
Burns Junction, Colo.....	Lyons, Colo.	32.67	.....	.....
Colorado State Line.....	Wyoming State Line	144.58	.....	.....
Nebraska State Line.....	Sterling, Colo.	27.85	.....	.....
Union, Colo.	Brush, Colo.	11.39	.....	.....
Leased of C. & S. Ry.....	.....	11.30	.....	.....
Leased of U. P. R. R.....	.....	23.67	.....	.....
.....
.....	.....	429.35	.....	.....

CHICAGO, ROCK ISLAND & PACIFIC RAILROAD COMPANY.

Roswell, Colo.	Kanorado, Colo.	165.52	.....	.....
Limon, Colo.	Denver, U. P. R. R.....	.....	.....	89.78
Denver	Pueblo, D. & R. G.....	.....	.....	119.60

*Industrial.

165.52

.....

209.38

COLORADO EASTERN RAILROAD COMPANY.

Denver	Scranton, Colo.	16.30
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COLORADO MIDLAND RAILWAY COMPANY.

Colorado Springs, Colo.....	New Castle, Colo.....	221.92
Basalt, Colo.	Aspen, Colo.	19.37	.....
Cardiff, Colo.	Spring, Gulch, Colo.....	15.01	.....
Arkansas Junction	Leadville	4.80	.....
Rifle Creek	End of R. G. Jct. Ry.....	.....	62.08
End of C. M. Ry.....	Rifle Creek .....	.....	13.44
End of R. G. Jct. Ry.....	Grand Junction .....	.....	.57
Colorado Springs	C. M. Ry. Jct.....	.....	.45
.....
.....	.....	261.10	76.54

COLORADO SPRINGS & CRIPPLE CREEK DISTRICT RAILWAY COMPANY.

Colorado Springs	Cripple Creek	46.62	.....
Spurs to various mines.....	.....	27.63	.....
.....
.....	.....	74.25	.....

COLORADO & SOUTHEASTERN RAILROAD COMPANY.

Delagua	Barnes	6.27	.....
Over C. & S. Ry.....	.....	.....	14.51

COLORADO & SOUTHERN RAILWAY COMPANY.

FROM	TO	Miles Standard Gauge.	Miles Narrow Gauge.	Miles Operated Over Other Roads.
Denver	Greeley	98.46		
Louisville	Lafayette	3.78		
D. & I. Junction	Boulder Junction	11.47		
Argo Junction	Golden	13.26		
Golden	Silver Plume		39.19	
Forks Creek	Central City		11.81	
Jersey	Cut-Off Junction	2.51		
Denver	Southern Junction	129.34		
Manitou Junction	Colorado Springs	9.12		
Walsenburg Junction	Trinidad	41.52		
Trinidad	New Mexico line	51.38		
Trinidad	End of track	7.37		
Denver	Leadville		151.88	
Sheridan Junction	Morrison		9.96	
Dickey	Dillon		2.75	
Como	Baldwin		133.02	
Garos	Alma		15.41	
Macune	Buena Vista		2.25	
Fort Collins	Stout	8.24		
Loveland	Arkins	8.34		
Denver, West	Side line	4.85		

Boulder	Conn. D. B. & W. tracks.....	.64	.....
Lowrie Quarry .....	.....	2.81	.....
Golden	Church brick yard.....	1.70	.....
Pueblo Freight House track.....	.....	.56	.....
Acme	Brodhead Junction	2.15	.....
Junction No. 4.....	Green Canon Mine.....	1.05	.....
Ludlow	Hastings	1.28	.....
Ludlow	Berwind	3.20	.....
Forbes Junction	Chicosa Junction	1.16	.....
Beshoar Junction	Gray Creek mine.....	7.85	.....
Sopris	Sopris mine .....	.66	.....
South Platte	Night Hawk .....	.....	4.28
Dillon	Keystone .....	.....	4.29
Kokomo	Wildley mill .....	.....	1.11
Como	King .....	.....	.26
Leadville	Mineral Belt Ry.....	.....	2.45
Hilltop Junction	Leavick .....	.....	11.32
Castleton	Mt. Carbon .....	.....	2.49
Colorado R. R. Co.....	.....	.....	41.55
D. & R. G. R. R.....	.....	.....	58.65
U. P. R. R.....	.....	.....	106.35
Walsenburg & Western Ry. Co.....	.....	.....	1.35
		412.70	392.47
			207.90

COLORADO & WYOMING RAILWAY COMPANY.

FROM	TO	Miles Standard Gauge.	Miles Narrow Gauge.	Miles Operated Over Other Roads.
Jansen	End of Main Line.....	31.10	.....	.....
Branches and Spurs.....	.....	6.86	.....	.....
Trinidad	Jansen (A., T. & S. F. Ry.).....	.....	.....	2.12
	
		37.96	.....	.....

CRYSTAL RIVER RAILROAD COMPANY.

Carbondale	Placita	20.60	.....	.....
Redstone	Coal Basin	11.83

CRYSTAL RIVER & SAN JUAN RAILWAY COMPANY.

Marble	Redstone	7.40	3.50
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DENVER, BOULDER & WESTERN RAILROAD COMPANY.

Boulder	Eldora	32.57
Boulder	Ward	13.42
Boulder ..	Connection with Denver, Boulder & .....	.....	.....	.80
	Western Rd. at Boulder (C. & S. Co.) ..	.....	.....	.....
		45.99	.....	.....

DENVER, LARAMIE & NORTHWESTERN RAILROAD COMPANY.

Utah Junction	Greeley	51.38	.....
Greeley	Greeley (Greeley Terminal Ry. Co.).....	1.36	.....
Denver	Near Utah Junction (Denver, N. W. ....	.....	3.15
	Pac. Ry. Co.).....	—	—
		52.74	.....

DENVER, NORTHWESTERN & PACIFIC RAILWAY COMPANY.

Utah Junction	Steamboat Springs	211.47	.....
Denver	Utah Junction (N. W. Terminal Ry. Co.) .....	.....	3.13

DENVER & RIO GRANDE RAILROAD COMPANY.

Denver	Utah Line	421.82	.....	*62.08
Military Junction	Fort Logan	2.51	.....	.....
Castle Rock	Stone quarries ..	2.87	1.39	.....
Colorado Springs	Manitou	5.14	.....	.....
Florence	Coal Creek	3.19	.....	.....
Chandler Junction	Mines	6.50	.....	.....
Texas Creek	Westcliffe	25.49	.....	.....
Howard	Calcite	5.83	.....	.....
Heckler Junction	Calumet .....	.....	7.13	.....
Malta	Leadville	8.13	.....	.....

*Rio Grande Junction Railway.

FROM	TO	Miles Standard Gauge.	Miles Narrow Gauge.	Miles Operated Over Other Roads.
Branches in Leadville District.....	.....	3.77	7.89	.....
Leadville	Dillon .....	.63	35.65	.....
Glenwood Springs	Aspen	42.48	.....	.....
Grand Junction	Sugar works	1.17	.....	.....
Pueblo	Trinidad	91.55	.....	.....
Zinc Junction	Blende	3.36	.....	.....
Rouse Junction	Mines	9.89	.....	.....
Engleville Junction	Mines	6.40	.....	.....
Trinidad	Cokedale	1.01	.....	6.62
Cuchara	Creede	153.22	.....	.....
Walsenburg	Big Four mines.....	14.28	.....	.....
Francisco	Oakdale mine	1.95	.....	.....
Salida	Grand Junction (Gunnison).....	73.88	135.04	.....
Poncha Junction	Monarch .....	.....	15.66	.....
Gunnison	Anthracite and Floresta.....	.....	43.02	.....
Lake Junction	Lake City .....	.64	35.84	.....
Montrose	Ouray	43.63	35.06	.....
Delta	Somerset mine .....	.....	.....	.....
Mears Junction	Alamosa .....	.....	73.44	.....
Alamosa	Silverton (Colorado portion).....	31.58	144.38	.....
Villa Grove	Orient .....	.....	8.20	.....

Moffat	Cottonwood	16.96	.....
Antonito	Santa Fe (Colorado portion).....	5.60	.....
Pagosa Junction	Pagosa Springs	30.85	.....
Carbon Junction	Farmington (Colorado portion)	18.15	.....
Durango	Smelter	1.00	.....
Silverton	Smelter .....	.96	.....

	979.12	598.07	68.70

FLORENCE & CRIPPLE CREEK RAILROAD COMPANY.

Florence	Cripple Creek	39.53	.....
Cyanide Junction	Vesta .....	.93	.....
C. C. & C. C. R. R.....	.....	7.24	.....
Golden Circle R. R., Victor.....	End of track.....	5.71	.....
Last Dollar	Lily .....	.88	.....
M. P. 4.....	Shurtzloff .....	.54	.....

	.....	54.83	.....

GRAND JUNCTION & GRAND RIVER VALLEY RAILWAY COMPANY.

Grand Junction	Fruita	16.02
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GREAT WESTERN RAILWAY COMPANY.

FROM	TO	Miles Standard Gauge.	Miles Narrow Gauge.	Miles Operated Over Other Roads.
Officer	Eaton	19.00	.....	.....
Loveland	Longmont	29.00	.....	.....
Johnstown	Welty	6.00	.....	.....
Johnstown	Milliken	3.00	.....	.....
		—	—	—
		57.00

MANITOU & PIKE'S PEAK RAILROAD COMPANY.

Manitou	Pike's Peak Summit.....	8.70
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MIDLAND TERMINAL RAILROAD COMPANY.

Divide	Cripple Creek	29.40
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MISSOURI PACIFIC RAILWAY COMPANY.

Pueblo	Kansas Line	152.12
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PUEBLO UNION DEPOT & RAILROAD COMPANY.

At Pueblo, Colorado.....		2.45
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RIO GRANDE SOUTHERN RAILWAY COMPANY.

Ridgway	Durango	162.60
Vance Junction	Pandora	9.80
Hesperus	Hesperus mine .....	.73	.....
May Day	May Day mine	1.87	.....
Franklin Junction	Perrins Peak	4.79
		—	—
		179.79

†RIO GRANDE & PAGOSA SPRINGS RAILROAD COMPANY.

Edith ..	Blanco	16.00
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*RIO GRANDE JUNCTION RAILWAY COMPANY.

Rifle	Grand Junction	62.08
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SAN LUIS SOUTHERN RAILWAY COMPANY.

Blanca ..	San Acacio	15.08
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SILVERTON, GLADSTONE & NORTHERLY RAILROAD COMPANY.

Silverton	Gladstone	7.25
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†Logging road.

*Owned jointly by D. & R. G. R. and Colorado Midland Railway.

SILVERTON NORTHERN RAILROAD COMPANY.

FROM	TO	Miles Standard Gauge.	Miles Narrow Gauge.	Miles Operated Over Other Roads.
Silverton	Animas Forks .....	.....	14.00	.....
Howardsville	Green Mountain	2.00
		—	—	—
		16.00

SILVERTON RAILWAY COMPANY.

Silverton	Joker tunnel	15.00
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UNION DEPOT & RAILWAY COMPANY.

At Denver, Colo.....	3.41
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UNION PACIFIC RAILROAD COMPANY.

Nebraska-Colorado State Line.....	Colorado-Nebraska State Line.....	8.86
Kansas-Colorado State Line.....	Denver	194.14	.. ..	.....
Denver (Pullman)	Colorado-Wyoming State Line.....	91.48	.....	.....
LaSalle	Julesburg	151.53	.. ..	.....
Sand Creek Junction.....	Grant	23.92	.....	.....
Diamond	Baum .....	.96	.....	.....
Johnson	McKessick .....	.85	.....	.....
Greeley Junction	Briggsdale	26.16	.....	.....
Cloverly	Hungerford	13.16	.....	.....

∞ Brighton	27.00	.....	.....
.....Boulder .....		.....	.....
Puritan branch at.....Parkdale .....	.06	.....	.....
Puritan Junction	3.01	.....	.....
.....Puritan (Parkdale Fuel Co.).....	—	—	—
.....	541.13	.....	.....

UINTAH RAILWAY COMPANY.

Mack .....	.....	50.80	.....
.....State Line .....	.....	

ELECTRIC ROADS.

DENVER & INTER-MOUNTAIN RAILROAD COMPANY.

TO	FROM	Miles Standard Gauge.	Miles Narrow Gauge.	Miles Operated Over Other Roads.
Denver	Golden and Barnum	15.43	.....	.....

DENVER & INTERURBAN RAILROAD COMPANY.

Globeville	C. & S. right of way	2.7	.....	.....
C. & S. right of way	Semper	5.3	.....	.....
In the City of Boulder		1.8	.....	.....
City of Fort Collins		7.7	.....	.....
Marshall	Eldorado Springs	3.	.....	7.4
Semper	Louisville Junction	.....	.....	.8
D. & I. Junction	Sunnyside Mine	.....	.....	12.8
Louisville Junction	Boulder Junction	.....	.....	10.6
Sunnyside Mine	Boulder Junction	.....	.....	.....
		20.5	.....	31.6

DENVER & NORTHWESTERN RAILWAY COMPANY.

Berkeley	9.74	.....	.....
Clear Creek	8.50	.....	.....
Golden	8.04	.....	.....
Sidings	—	—	—
	26.28	.....	.....
	—	—	—

Grand total of all roads.....	4,172.53	1,386.24	589.73

PART VIII.

DISBURSEMENTS

FINANCIAL STATEMENT.

APPROPRIATION \$29,400.00.

	1909.	1910.	Total.
Three Commissioners, salary \$3,000 each.....	\$3,000.00	\$9,000.00	\$18,000.00
Clerk's salary	1,500.00	1,500.00	3,000.00
Stenographer's salary	1,200.00	1,200.00	2,400.00
Traveling expenses of Commission.....	1,500.00	1,500.00	3,000.00
General incidental fund.....	1,500.00	1,500.00	3,000.00
Total appropriation			\$29,400.00

DISBURSEMENTS.

	1909.	1910.
Salary three Commissioners.....	\$9,000.00	\$9,000.00
Clerk	1,500.00	1,500.00
Stenographer	1,200.00	1,200.00
Traveling expenses	84.85	29.00
Printing		136.13
Stationery and supplies.....	90.88	74.12
Postage	60.00	113.00
Telegraph and telephone.....		3.00
Miscellaneous	43.10	24.50
	<hr/>	<hr/>
	\$11,978.83	\$12,079.75
Total disbursements		\$24,058.58
Balance returned to General Fund		5,341.42
		<hr/>
		\$29,400.00

